Cinematic representations of the causes of crime, 1954-1997

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Abstract

This research investigates the beliefs and attitudes on the causes of criminal behaviour that have prevailed in British and American society from 1954 to 1997. In order to ascertain these beliefs and attitudes, it looks into two separate sources of information. On the one hand, this research examines the representations of the causes of criminal behaviour in popular motion pictures of the era: it is particularly focused on relatively young offenders (under-30s). On the other hand, it inspects what can be summed up as the "*socio-criminological background*": the social history of the two nations, the seminal criminological research carried out in them and the crime control policies pursued by their governments during this period. This thesis seeks to draw out the common themes and assumptions underlying both the representations in the films and the developments in the "*socio-criminological background*". It is thus expected that a more comprehensive picture of the ideas and attitudes towards the issue of crime causation that prevailed in British and American society at different points in time will emerge.

However, this research does not merely seek to chart the progress of the efforts to explain deviant behaviour that grew influential over the last five decades. By shedding light upon our current assumptions on the issue of crime causation, it also aims to reveal pertinent arguments on the wider stance of contemporary society towards deviant behaviour, on our own values and inhibitions concerning crime.

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Introduction

This research investigates the beliefs and attitudes on the causes of criminal behaviour that have prevailed in British and American society from 1954 to 1997. In order to ascertain these beliefs and attitudes, it looks into two separate sources of information. On the one hand, it inspects what can be summed up as the "*socio-criminological background*": the social history of the two nations, the seminal criminological research that was carried out in them during this period, and the crime control policies that were pursued by their governments. On the other hand, it examines the representations of the causes of criminal behaviour in popular motion pictures of the era.

This research was stimulated by my own personal experience. Six years ago, I caught myself writing a film script that concentrated upon a convicted robber who had just escaped from prison. I was impressed by the fact that I had not made any effort in the script to excuse the protagonist's criminal behaviour, or perhaps to intimate his actual innocence. Furthermore, reexamining the issue, I discerned that my script proposed this character as a rather heroic figure, someone with whose fortune the audience was invited to fully empathise. I realised at that moment that the creation of this character, even if only on the level of fantasy, carried certain implications as to my personal values, my inhibitions against this kind of criminal behaviour. Certainly, there is a wide distance between writing about such a character, however complimentarily, and actually becoming one. Many things were still amiss before this gap would be bridged: the motivation to commit such a crime, the opportunity, the nerve. But my sympathetic portrayal of this character still preoccupied me, particularly in relation to the consequences it entailed as to my deepest values, my inhibitions and my willingness to censure the behaviour of others that engaged in criminal acts of this kind.

Having been brought up in an, on the whole, law-abiding environment, the question was raised from where I had inherited these values. Though inevitably hampered by the difficulties one faces in trying to account for one's own behaviour, I came to the conclusion that, in all probability, I had been affected by the wider media culture of my time. My attention was

directed at my favourite activities: films and popular music. Especially in relation to the former, it did not elude me that it was very likely that my script and, particularly, its glorification of a convicted bank robber, was influenced, to the point of imitation, by films I had previously seen that were dealing with a similar subject.

This is how my interest in researching into the representations of crime in film and popular music arose. With the assistance of my supervisor Elaine Player, I gradually narrowed down the wide area of my initial interest within the confines of a Ph.D. thesis that could be completed within the allotted time.

I abandoned early the attempt to investigate the representations of criminal behaviour in popular music, primarily because my source material was significantly limited. Most popular songs that reach wide audiences deal with romance. Certainly, many points could be made in relation to the "outlaw" image that various performers, from Elvis Presley to Eminem, have adopted throughout the years, and personally I find this subject especially intriguing, but it will have to be left to another researcher. My initial preoccupation with popular music provided me with the starting point of this research: 1954, the year when most social historians locate the beginning of modern youth culture, which is inextricably linked with the popularisation of rock and roll and the release of films such as *The Wild One*[1].

It was also then decided that this research would selectively focus on young offenders. This was partly the result of practical considerations: had I included all the films that touched upon the subject of crime, the source material would have been overwhelming for a single researcher. However, this focus on young offenders was also born out of my conviction, confirmed during the realisation of this thesis, that the most interesting, controversial films of this period were dealing with relatively young criminals. Additionally, I was aware that films with young protagonists targeted themselves principally upon young audiences: as I was then trying to establish a link between cinematic representations and the value systems carried out by young people like myself, it seemed appropriate to focus on

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[1] See, for example, Howitt, B. *Rock through History* London: Longman Cheshire 1989; Gillett, C. *The Sound of the City* London: Souvenir Press 1983.

films dealing with young offenders. However, I did not want to limit myself to cinematic representations of *juvenile* criminals, but to include offenders of my age (mid- to late 20s) and I adjusted my methodology towards this end. I was worried that, if I selectively focussed on juveniles, my source material would be too restricted, particularly in periods such as the 1960s and the 1970s, and that I would deprive myself of the opportunity to deal with some of the fascinating, controversial films that I previously referred to.

When I began watching the films, I soon realised that if I examined all the facets of the represented crimes, from their causes, to their techniques of execution, the depicted behaviour of the legal authorities, the effectiveness of penal sanctions, not to mention the films' general attitude on criminal behaviour, I would easily surpass the 100,000 word limit. I thus decided to concentrate upon their representations of the causes of criminal behaviour, a subject that had fascinated me, ever since I studied Theoretical Criminology in my LL.B. and LL.M. syllabuses. This focus on the issue of causation assisted me in orienting my research towards one direction, but, on the other hand, did not preclude me from examining wider arguments on the films' representations of crime and the criminal justice process. For example, and this is a point which will be put forward many times during this thesis, the manner in which the films cover the subject of the causes of the depicted criminal behaviour is inextricably linked to their general stance towards deviance. When the offender's behaviour is explained through reference to motivations that are treated as legitimate, as, for example, his desire to lead an exciting life, it is reasonably concluded that the film does not censure criminal behaviour. If, however, crime is presented as the symptom of an acute psychological dysfunction, the opposite inference can -in most cases- be made. Furthermore, although this research does not occupy itself with the representations of criminal justice authorities, there will be instances where, for example, their particularly negative or positive portrayal will be noted, as it will decisively colour the films' attitude towards the genesis of criminal behaviour.

Up to this point, I was still trying to establish that the cinematic representations had influenced my -or other young people's- values.

Unfortunately, such an association cannot be conclusively proved[2]. To ascertain the influence of media representations on the value system of a given individual, one would have to control for all the other variables that contribute to the formation of this value system. Essentially, one would need to obtain two biologically and psychologically identical individuals, who would be kept in isolation from all outside influences, and would then be treated to differential exposure to the media; this is obviously impossible. In spite of this, most researchers in this field appear to believe in the "enculturating" role of the media: that media representations are a significant contributor to the socialisation process, particularly of the young[3]. I subscribe to Robert Reiner's view of a dialectical relationship between these representations and the wider culture of the society that consumes them: the former both influence and reflect developments in the latter[4]. However, as previously mentioned, tangible evidence in support of this claim cannot be discovered easily.

Believing it thus impossible to uphold such a causal association, I decided to steer clear from arguments as to how cinematic representations of criminality might affect social attitudes towards crime. Instead, I treated the films I watched as nothing other than what they indisputably are: a cultural artefact, which adds to the representations of social institutions and practices that constitute the culture of any given society[5]. I sought to deduce what the films tell us of the ideas and attitudes towards the causes of crime that prevailed in our culture in particular periods[6].

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[2] cf. Livingstone, S. *On the Continuing Problem of Media Effects* in Curran, J. and Gurevitch, M. (eds.) *Mass Media and Society* (2nd Ed.) London: Arnold 1996 pp.305-24; Powers, S., Rothman, D.J., Rothman, S. *Hollywood's America: Social and Political Themes in Motion Pictures* Boulder: Westview Press 1996, p.10.

[3] cf. Livingstone, *op.cit.*, p.321; Allen, J., Livingstone, S. and Reiner, R. *True Lies: Changing Images of Crime in British Postwar Cinema* Europ. j. of commun. Mar 1998 Vol.13, No.1 pp.53-76; Blumenthal, M.D., *Conscience Formation and the Mass Media* in Grampert, G. and Cathcart, R. (eds.) *Inter/Media: Interpersonal Communication in a Media World* New York: Oxford University Press 1979, pp.464-471.

[4] Reiner, R. Media Made Criminality: *The Representation of Crime in the Mass Media* in Maguire, M., Morgan, R. and Reiner, R.(eds.) *The Oxford Handbook of Criminology* (2nd. Ed.) Oxford: Clarendon Press 1997, pp.189-231; a similar point is put forward in Powers *et al.*, *op.cit.*, p.195.

[5] Powers *et al.*, *op.cit.*, p.195.

[6] A similar assumption has informed a number of sociological studies throughout the years: see, for example, Melossi, D. *Changing Representations of the Criminal* 40 Brit. J. Crim (2000) 296-320; Catten, Jr. W.R. *Value Modification and the Mass Media* in Grampert and Cathcart, *op.cit.*, pp.422-30; Allen *et al.*, *op.cit.*.

However, a study that would exclusively concentrate on cinematic representations would be of limited interest to the criminologist. In the first place, it is far from guaranteed that the films examined would adequately represent the wider ideas and attitudes in our culture; nor that the values encapsulated in them are necessarily shared by the audiences who attend them. After all, it has been contended that films, particularly those produced within the Hollywood studio system, reflect the values of a liberal elite with a very different ideology to that of the typical -American- citizen[7]. Or, alternatively, Marxist theorists have alleged that a subtle attempt of ideological hegemony over the audience lies behind all media representations, executed by those with a vested interest in the perpetuation of the capitalist system of production[8].

Because of this, I decided, along with my supervisor, to compare the findings from my cinematic research with contemporary developments in the fields of criminology, crime control policy -focussing especially on measures targeted at young offenders- and the wider social history of Britain[9] and the United States[10]. This thesis seeks to draw out the common themes and assumptions underlying both the representations in the films and the developments in the "*socio-criminological background*". It is thus expected that a more comprehensive picture of the ideas and attitudes towards the issue of crime causation that prevailed in British and American society at different points in time will emerge. Quite obviously, where there is disjunction and dissonance between the assumptions underlying the cinematic representations and socio-criminological developments, it will be pointed out, even though the findings suggest a high degree of correlation. Nor does this research overlook the many discontinuities between British and American culture, and where these impinge on the issue of representations of crime causation, they are duly noted.

Under the assumption that the most widely attended films could be considered as the most significant and representative cultural artefacts, this

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[7] Powers *et al.*, *op.cit.*

[8] See Munns, J. and Rajan, G. A Cultural Studies Reader: History, Theory and Practice London: Longman 1995, pp.298-301; Easthope, A. (ed.) *Contemporary Film Theory* Harlow: Longman Group UK Ltd. 1993.

[9] The country in which this research was conducted.

research focussed on films that proved popular with the paying public. This also served to further narrow down the number of films to be examined and to facilitate the research in relation to videotape availability.

The thesis is divided into five main chapters, each corresponding to a different chronological period: 1954-1960, 1961-1970, 1971-1980, 1981-1990 and 1991-1997. A significant part of the arguments put forward in the thesis are related to changes in the representations of the causes of crime that have taken place between these five periods. However, the analysis of the research findings is qualitative, not quantitative. In other words, this thesis will not enter into statistical observations such as these: between 1954 and 1960 x% of the films released located the causes of criminal behaviour in a dysfunctional family environment, whereas between 1981-1990, the corresponding percentage was y%. Such comments are avoided for two reasons: in the first place, few films explain their characters' participation in criminal behaviour through reference to a single causal factor. Secondly, it is feared that a statistical conclusion, such as the above, would obfuscate more than it would reveal. A significant proportion of films released both between 1954-1960 and 1981-1990 highlights the problem of dysfunctional families in relation to the causation of criminal behaviour. Yet the emphasis they place on this issue, as well as their whole treatment of it, significantly varies between the two chronological periods.

The organisation of each chapter is determined by the research findings. For example, a large part of Chapter I is devoted to family-oriented explanations of crime, whereas in Chapter III, this issue is dealt with more briefly. Each chapter has a section on race and gender, but it should be stressed that these subjects interest this thesis, only insofar as they impinge upon the issue of the causes of criminal behaviour. Certain themes, however, resurface in this thesis. One of these is the degree to which the culture of a given era treats crime as an expression of the offender's free will or attributes it to certain causal factors that have determined his behaviour. A related issue is whether crime is spurred by a pathological condition in the offender's environment or his psychological constitution, or whether his criminal

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[10] The country of origin of the vast majority of films examined.

behaviour is treated as an expression of motivations that are presented as normal and even commendable. And, of course, what implications such representations entail for the wider social attitudes of each period towards crime. Here it should be disclosed that, in the beginning of this research, I was convinced that, as time passed, crime would be increasingly presented in the films as normal behaviour, springing from normal motivations; a conduct in which any one of us would be liable to engage. This research will demonstrate whether this was borne out by the findings.

In the final analysis, this research does not merely seek to chart the progress of the efforts to explain deviant behaviour that grew influential over the last five decades. By shedding light upon our current assumptions on the issue of crime causation, it also aims to reveal pertinent arguments on the wider stance of *contemporary* society towards deviant behaviour, on our own values and inhibitions concerning crime. The research findings can also be called upon to question the projected effectiveness of criminal justice measures that disregard contemporary attitudes towards crime.

Last but not least, it needs to be stressed that this study subscribes to the cognitive brand of film analysis. It assumes that the researcher, as any diligent viewer, is capable of detecting the values underlying the cinematic narrative. There is a tangled web of theories (usually subsumed under the rubric of Film Theory) that frequently seek to explain a viewer's response to any given film primarily by reference to his subconscious psychoanalytic drives. Many of these theories posit that within every film lies a subtle and ultimately successful attempt to ideologically dominate its audience[11]. Should this be the case, the utility of this study would be decidedly limited, as the researcher could hardly be expected to be immune to these pressures. However, it is worth noting that even within the field of Film Studies, the trend is towards discarding these essentially untestable, all-encompassing theories and reverting to a more modest, cognitive analysis of cinematic representations[12].

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[11] See Lapsley, R. and Westlake, M. *Film Theory: An Introduction* Manchester: Manchester University Press 1988; Easthope, *op.cit.*.

-Methodology-

For the purposes of this study, the following films were examined:

i.) Films in which one of the principal characters is between ten and twenty-nine[13] years of age and commits –or has, at the beginning of the narrative, recently committed- a criminal offence (including juvenile status offences).

ii.) that were released in Britain between 1954 and 1997

iii.) and have figured in the *Screen International* weekly list of the ten most popular films in the West End of London[14].

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[12] See, for example, Bordwell, D. and Carroll, N. (eds.) *Reconstructing Film Studies* Madison: University of Wisconsin Press 1996.

[13] This upper limit on the age of criminal offenders was set out of practical necessity, in order to restrict within reason the number of films that would be examined for the purposes of this thesis. It was in any case anticipated that the most interesting and radical films would be featuring relatively young offenders. It was also taken into account that films focussing on such offenders would be expected to touch upon the issue of the origins of illegal behaviour in a more detailed fashion.
It should be noted, however, that, in many of the films examined, the precise age of a cinematic character could not be determined. The age of the actor *(NB: throughout the thesis, I will be using the male pronoun for reasons of convenience)* impersonating the character was not taken into consideration, as it often proves a misleading guide. Therefore, in borderline cases it was presumed, for the purposes of the study, that a cinematic offender fell within the age limit, if he was depicted as lacking steady employment and a stable home life; or if he was pictured as participating in a known youth subculture.

[14] In 1994, the *Screen International* ceased to publish its weekly Top 10 list of the most popular films in the West End of London and replaced it with a Top 5 and a **national** Top 20. I based my research on the former list and also decided to include any film that figured among the ten most popular *nationally*. If anything, the West End top 10 is more inclusive that the national one.
Furthermore, there are no analytic audience figures for the period before 1969. The only reliable index of the films' popularity at that time was an article written in the end of each year by *the Kinematograph Weekly* editor Josh Rawlings, that enumerated the "hits" of the year, according to information received from exhibitors and independent cinema owners. For the purposes of this study, every film that received a mention in this article (around a hundred each year *in toto*) was deemed to be sufficiently popular to be included. For a list of the films viewed, see the Appendix.

Chapter I: 1954-1960

This period is indelibly linked in public memory with the arrival of affluence; a potent belief in the merits of state welfare; a widespread alarm over the delinquent behaviour of youth gangs such as the Teddy boys; and an anxiety over the vitality of the institution of the family, and, in particular, the utility of various pedagogic approaches. In section **a.)**, it will be examined how these disparate social phenomena all contributed to the prevalence of family-oriented explanations of crime in both the cinematic representations and the criminological research of this era.

Contemporary fascination with the antics of youth gangs can also account for the interest exhibited by both criminologists and filmmakers in the analysis and depiction of subcultural pressures towards the adoption of deviant behaviour (section **b.)**). The 1950s are also commonly recollected as a conservative, unquestioning era. However, in section **c.)**, it will be demonstrated that beneath the ostensibly unquestioning surface, a simmering ambivalence about moral values is detected, particularly in the films of this era, as well as in Walter Miller's "*culture conflict*" sociological theory of deviance. Finally, in sections **d.)-e.)**, it will be illustrated that both the films and the criminological research of this era largely overlook a possible association between race or gender and crime.

a.) The Prevalence of Family-Oriented Explanations of Crime

As previously mentioned, the prevalence of family-oriented explanations of crime in both the films and the criminological writings of this period can be connected to the arrival of affluence and the related demise of socio-economic theories of crime; the moral panic over juvenile crime that accompanied the emergence of modern youth culture; and a larger anxiety about the future of the institution of the family after recent societal developments and the disruptive influence of the Second World War.

i.) Affluence and Socio-Economic Theories of Crime

The late 1950s were marked by the arrival of affluence, in both Britain and the United States, after a long period of postwar austerity[15]. In both countries, a substantial rise in average wages, adjusted for inflation, was recorded; this resulted in an enhancement of living standards as well as a burgeoning of consumerism[16]. Affluence was evident not just on an individual level: an unprecedented expansion of State welfare services in the guise of social and educational reform took place during the same period[17].

Nevertheless, at the same time it was perceived that criminal behaviour, especially among the young, was increasing. This is a phenomenon encountered in many Western countries during this era[18]. *Inter alia* this meant that the progressive Victorian thesis that delinquency is generated by pauperism and vagrancy could no longer be sustained[19]. Accordingly, the

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[15] Hall *et al.* challenge this perception of affluence in Britain during the 1950s and the 1960s. They brand it "*the affluent illusion*", as Britain's participation in the global economic boom is seen as comparatively hesitant, due to the nation's imperialist inheritance, its lagging rate of technological innovation and its outdated industrial infrastructure. cf. Hall, S., Critcher, C., Jefferson, T. Clarke, J. and Roberts, B. *Policing The Crisis: Mugging, the State and Law and Order* London: Macmillan *1978*, pp.232-3. The figures below (see fn. 16), however, demonstrate that a substantial enhancement of living standards *did* take place in Britain during this period, after a prolonged period of postwar austerity. As Harold Macmillan, the Prime Minister and leader of the Conservative Party, famously declared in 1957: "*Most of our people have never had it so good*". Marwick, A. *British Society Since 1945:* (3rd Ed.) London: Penguin Books 1996, pp.110-111.

[16] In Britain, wages rose by 25% from 1955 to 1960 (34% if overtime is included), while prices rose only by 15%. Average consumption increased by 20% during the decade. It centred primarily on cars and domestic equipment. Hodgson, P. *Britain In The 1950s* London: Batsford 1989, p.50. Car ownership expanded by more than 100% during the decade. 2,307,000 cars and vans were owned in 1950; by 1960, the equivalent figure was 5,650,000. 75% of British families owned by 1961 a television. Marwick, *op.cit.* p. 117-8. In the United States, average wages, adjusted for inflation, rose by 35% between 1945 and 1960. The GNP (total gross national product) increased from $318 billion to $488 billion during the decade, while the stock market rose to a level twenty times higher than what it was in the Depression. 75% of American families owned a car; 87%, at least one TV. Boyer, P.S., Clark Jr., C.E., McNair Howley, S., Kett, J.F., Salisbury, N. Sitkoff, H. and Woloch, N. *The Enduring Vision: A History Of The American People* (Concise 3rd Ed.) Boston: Houghton Mifflin Company 1998, p. 643; Farber, D. *The Age of Great Dreams: America in the 1960s* New York: Hill 1994, pp.8-9. In the United States, consumer spending was further facilitated by the novel credit mechanisms that were introduced during this era, such as instalment buying and credit cards; Boyer *et al.*, p.646.

[17] cf. Fyvel, T.R. *The Insecure Offenders* London: Chatto and Windus 1961, p.17; Boyer *et al.*, *op.cit.*, p.643.

[18] In Germany, this phenomenon was summed up as "*Wohlfahrtskriminalitaat*"- in simple translation, "*welfare criminality*". Fyvel, T.R, *op.cit.*, pp. 30-2.

[19]cf. Harris, R. and Webb, D. *Welfare, Power and Juvenile Justice* London: Tavistock Publications 1987, p.21.

credibility of socio-economic theories of crime and delinquency was seriously dented.

Criminological research during this era thus often refuted any causal association between socio-economic status and criminal behaviour[20]: poverty was claimed to affect different individuals in different ways[21]. Significantly, in some cases, it was argued that poverty could only push an individual towards crime, had he or she already been rendered vulnerable to such pressures, usually by deficiencies in their familial environment[22]. This position was confirmed by the undisputed existence of numerous poor, lower-class individuals, who managed to lead law-abiding lives[23]; and, conversely, by the presence of problem families, such as the Jukes - admittedly often located in the lower social strata-, who accounted for a disproportionately large number of criminal and delinquent offenders[24]. Ecological theories of delinquency and crime fared no better. Interest in them significantly waned in the United States, as the ethnic inner city communities gradually dissolved and the working classes emigrated to suburbia[25]. Lander disproved certain key premises of Shaw and McKay's "*interstitial area*" thesis[26], and the Midcity Project, a replication of their Chicago Area Project carried out between 1954 and 1957, was deemed a failure in preventing delinquency[27]. By the end of the decade, John Barron Mays would lament what he perceived as an underestimation of the significance of the social background in the search for the causes of crime[28].

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[20] cf. Nye, I.F. *Family Relationships and Delinquent Behaviour* New York: John Wiley 1958

[21] Lander, B. *Towards An Understanding Of Juvenile Delinquency: A Study Of 8,464 Cases Of Juvenile Delinquency In Baltimore* New York: Columbia University Press 1954, pp. 76-81.

[22] Wilson, H.C. *Juvenile Delinquency In Problem Families In Cardiff* 91 B.J. Delinq. (1958-59) pp.94-105.

[23] Schwarz, B. and Ruggieri, J. *Morbid Parent-Child Passions In Delinquency* 3 J.Social Therapy (1957) 180.

[24] cf. The British Medical Association *The Adolescent Delinquent Boy* London: BMA 1951

[25] cf. Boyer *et al.*, *op.cit.*, p.646. This development was aided by the GI Bill, which provided returning soldiers with easy financing for new homes. Gilbert, J. *A Cycle Of Outrage: America's Reaction To The Juvenile Delinquent In The 1950s* New York: Oxford University Press 1986, pp.213-4.

[26] Lander demonstrated *inter alia* that there was no evidence of industrial land use near the central business district, and that some of the lowest delinquency rates could be found near or inside industrial areas. Lander, *op.cit.*, pp.81-83.

[27] Lundman, R.J. *Prevention and Control of Juvenile Delinquency (2nd Edition)* New York: Oxford University Press 1993, pp.76-80

[28] Mays, J.B. *On The Threshold Of Deliquency* Liverpool: Liverpool University Press 1959, p1. Poverty and a working-class background do play a significant part, however, in

Developments in cinematic explorations of delinquency closely correspond to these trends. By 1954, environmentalist, traditionalist celluloid explorations of delinquency, that pointed the finger at slum living, poverty and lack of opportunity were becoming increasingly rare[29]. Only in one of the films examined, *These Dangerous Years*[30], is such an aetiological path openly pursued. In the opening statement of this film, it is contended that poor neglected neighbourhoods, such as the one in Liverpool in which the film is initially located, are "*breeding grounds of crime and failure*". The film is atypical of its era in that it puts forward a deeply conservative perspective on social affairs: its main message is that National Service discipline will have beneficial effects on troubled youths[31]. Furthermore, although the film was produced in 1957, it appears curiously unaffected by the advent of modern youth culture; revealingly, the lead role in the film is played by Frankie Vaughn, a singer and youth icon of the pre-rock and roll era[32].

Significantly, for the first time, there are cinematic juvenile offenders who come from a middle-class and even an upper middle-class background, in *Rebel Without A Cause*[33] and *The Young Stranger*[34], respectively. But even when the offenders are of limited means, their poverty is not seen as the prime causal agent of delinquency. At best, it serves to accentuate their vulnerability to the temptations of economic advancement through illegal

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subcultural explanations of delinquency that also surfaced during this era: see below, Ch.I, **b.)**.

[29] These explorations have been labelled as the "*Warner Bros environmentalism*"; they were employed to account for the behaviour of adult criminals as well, in classic crime films of previous eras such as *Scarface (1932, U.S., H.Hawks)* and *The Public Enemy (1931, U.S., W.Wellmann)*. cf. Gilbert, *op.cit.*, pp.179-83.; Doherty, *T. Teenagers and Teenpics: The Juvenilization of American Movies In The 1950s* Boston: Unwin Hyman 1983, pp.120-2.

[30] *(1957, G.B., H.Wilcox)*

[31] An argument frequently advanced by Conservative M.P.s during this era: Harris and Webb, op.cit., p.21.

[32] On the advent of "rock and roll", see below, iii.). In *The Delicate Delinquent (1956, U.S., D. McGuire)*, the problem of delinquency is again referred to as being solely confined to slum areas; a City Council representative declares that she is entrusted with investigating why these areas are "*breeding grounds of crime*". In general, however, the film appears to view delinquency in terms of a covert search for status, thus having more in common with *subcultural* explorations of delinquency: see below, Ch.I, **b.)**.

[33] *(1955, U.S., N.Ray)*

[34] *(1957, U.S., J.Frankenheimer)*

means, as in *Pickpocket*[35] and *King Creole*[36]. In the latter film, the delinquent gang entices the protagonist into participating in their illegal ventures by boasting that "[they] *get money*". The protagonist seems generally decided on advancing himself financially: he drops out of school in order to "*go out and make a buck*". Nevertheless, it is significant that he ultimately reaches this aim by *legal* if unconventional means, through a successful singing career.

Similarly, in *Somebody Up There Likes Me*[37], Rocky Graziano (Paul Newman) ultimately succeeds in resisting the criminogenic pressures of his neighbourhood environment. As in *King Creole*, the protagonist's transcendence of social circumstance is portrayed as owing itself to his individual resolve, as well as to his possession of a unique talent, that allows him to escape from poverty. Involved from an early age in petty crime in the slums of New York, Rocky, as an adult, ascends both socially and financially by exploiting his boxing prowess. Towards the end of the film, however, Rocky is blackmailed by an old acquaintance to "*throw*" his championship fight. In a reflective mood, Rocky visits his former neighbourhood on the eve of the fight. He learns that the majority of his childhood friends have either been killed or incarcerated. Romolo (Sal Mineo), another of his old friends, currently a fugitive from justice, claims that this was inevitable, given the circumstances they were raised in, and expects that a similar fate is awaiting Rocky, now that his boxing career is imperilled. This strengthens Rocky's resolve to make a legitimate stab at the championship title and leave his criminal past firmly behind.

In the same vein, in *Blackboard Jungle*[38], the majority of the students are depicted as ultimately transcending the structural processes pushing them towards delinquency. At any rate, any facile causal association between poverty and delinquency is expressly refuted within the film by an experienced local policeman: "*I've handled lots of problem kids*", he states, "*kids from both sides of the tracks*"[39].

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[35] *(1959, Fr., R.Bresson)*
[36] *(1958, U.S., M.Curtiz)*
[37] *(1956, U.S., R.Wise)*
[38] *(1955, U.S., R.Brooks)*
[39] Gilbert claims that in *The Wild One (1954, U.S., L.Benedek)*, too, it is hinted that the motorcyclist gang are refugees from urban slums. However, he receives this as further evidence that the particular film is standing between traditional and post-youth culture

ii.) The Moral Panic over Juvenile Delinquency

One of the consequences of affluence was the increased spending power of the young[40]. Assisted by various societal, technological and cultural developments, youth increasingly dominated the twin markets of cinema and music[41]. The aforementioned dissolution of traditional, ethnic inner-city communities and the move to spacious living in suburbia had robbed the cinema of its core adult audience in the United States. The working classes exhibited now a greater psychological commitment to staying at home and occupying themselves with a new domestic invention, television. Cinema attendance therefore dropped, but not among adolescents, who represented now a greater share of the cinema market. The relaxation of the Production

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cinematic treatises on the subject of delinquency. (Other evidence includes the fact that the protagonist is neither a juvenile nor an adult; the traditional music score; and the relatively rigid performances). Gilbert, *op.cit.*, pp.182-3. A socio-economic explanation of criminal behaviour is also put forward in *On The Waterfront* (1954, U.S., E.Kazan). This film is included with reservation in this study, as the offending protagonist is, by his own admission, "*pushing thirty*". Furthermore, it should be taken into consideration that this film visibly predates the advent of modern youth culture, and, particularly, rock and roll. This is rendered explicit in the scene where the protagonist, Terry (Marlon Brando), and his girlfriend Edie (Eva-Marie Saint) dance to crooners-style music at a wedding party. *On The Waterfront* portrays the blackmailing and intimidating practices exercised over the longshoremen of an extremely poor neighbourhood by their local union. In one of the opening scenes of the film, the union leader openly justifies his bullying, moneymaking schemes by reference to the severely deprived environment he grew up in. Terry, once a promising boxer, willingly surrendered the most prestigious fight of his career, in order to ingratiate himself with the union leader and "*put a little change in his pocket*". However, by the end of the film, he has come to regret this, as well as his involvement in the illegal activities of the union, in spite of the fact that they have hitherto earned him a relatively easy living. He laments not making an honest effort at that fight; he might have become a championship contender and thus have acquired "*class*"; instead, he has remained a "*bum*". Ultimately, Terry also withstands the criminogenic pressures of his neighbourhood environment. He elects to testify against the union leaders before the Waterfront Crime Commission; and in the final scene of the film, he openly takes a stand against them, in front of all the union members.

[40] According to economist John Kenneth Gailbraith, a prerequisite of the "*affluent society*" was that the maximum producing and consuming potential was extracted from all members of the population. Fyvel, *op.cit.*, pp.201-3.. It is perceived that this is the economic equivalent of Young's "*modernist project*" thesis (see below, Ch.I, **a.)**, **iii.)**). British adolescents, though generally less wealthy than their American counterparts, had £830 million to spend in 1959. Bicat, A. *Fifties Children: Sixties People* in Bogdanor, V. and Skidelsky, R. (eds.) *The Age of Affluence, 1951-1964* London: Macmillan 1970, pp.321-338, p.326.

[41] Adolescents in Britain in the late 1950s accounted for two-fifths of the record market and three quarters of cinema audiences. Bicat, *op.cit.*, p.326.

Code of self-censorship also enabled Hollywood to deal extensively with subjects that excited the young, not least juvenile delinquency[42].

Teenage domination of the record market is inextricably linked with the popularisation of a new musical form, "rock and roll". Rock and roll has generally been described as less of a musical innovation than as a breakthrough in record industry methods of production and dissemination[43]. The advent of television left space for programming the new music on the radio; and the new vinyl records, which were cheaper to produce than the previously used shellace ones, facilitated the release of a variety of records[44]. The invention of the small transistor radio also contributed to the popularisation of rock and roll, as the teenagers were able to segregate themselves within and outside the home and make their own listening choices.[45].

The record and film industries responded by increasingly targeting their products to the young "teenagers", thereby subtly encouraging them for the first time to define themselves as a distinct cultural group[46]. Overreaction by the adult world to this novel phenomenon probably reinforced the rebellious feelings that existed among adolescents and confirmed the latters' perception of themselves as a "*new breed*"[47]. Thus the modern youth culture emerged. Youth cultures, in similar forms, had been observable for a century or more before the late 1950s[48]; yet this was the first time that the youth culture had been backed by such financial power.

Adult discomfiture towards the emerging youth culture centred around the popularisation of rock and roll. The intelligible elements of the new

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[42] Gilbert, *op.cit.*, p.163.
[43] Hill, T. *The Enemy Within: Censorship in Rock Music in the 1950s* in Bogdanor and Skidelsky, *op.cit.*, pp.38-72.
[44] *Ibid.*
[45] The immigration of people of both the Caucasian and the African-American races from the American South to the North and Western cities of the United States played by all accounts a significant part in providing the mixed musical elements that were the foundation of rock and roll. It was also of crucial importance that people who found themselves in positions of institutional, cultural and economic power, such as the disc jockey Alan Freed or the owner of Sun Records Sam Phillips, were willing to promote the new music. Carter, P. *Another Part Of The Fifties* New York: Columbia University Press, 1983, p.117.
[46] Bradley, D *Understanding Rock and Roll: Popular Music In Britain 1955-64* London: Open University Press 1992; Doherty, *op.cit.*.
[47] Denisoff, R.S. and Romanowski, W.D. *Risky Business: Rock In Film* New Brunswick: Transaction Publishers 1994.

musical form made it sound especially brash, rebellious and threatening to adult ears[49]. Its association with delinquency was cemented from the outset in the public mind, as the *Blackboard Jungle*, a film about juvenile delinquency, coincidentally provided most audiences with their first taste of the new music, through its opening credits song, *"Rock Around The Clock"*[50]. Highly publicised riotous events that appeared to take place whenever the new music was publicly performed, be it in a concert hall or a cinema, further reinforced the association[51]. Selectively sensationalised horrific crimes committed by juveniles[52] and the violent and purposeless behaviour of the seemingly ubiquitous youth gangs[53] fanned public alarm over juvenile behaviour. The recorded rise in juvenile delinquency rates in Britain and the United States confirmed adult fears[54]. The English Court of

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[48] Pearson, G. *Hooligan: A History of Respectable Fears* London: Macmillan Press Ltd 1983.

[49] Bradley, *op.cit.*, p.142.

[50] Ironically, "*Rock Around The Clock*", the song in question, was inserted in the last minute in the film over its opening titles. Within the film, the delinquents express their taste for the music of Tony Bennett; a preference that had been rendered outmoded by developments brought about, to an extent, by the film itself.

[51] Most notorious among those is the riot that took place in 1958 in Boston during one of the earliest rock and roll concerts. Significantly, trouble began only when the police interrupted the concert by turning up the house lights. Reports of beatings and stabbings that took place after the concert were probably exaggerated by the press; at any rate, the concert took place in a well-known criminal area: Martin, L. and Segrave, K. *Anti-Rock: the Opposition to Rock and Roll* Hamden, Conn.: Archon Books 1988. In Britain, a South London performance of the film *Rock Around The Clock (U.S., 1955, F.F.Sears)* -largely a showcase for various rock and roll groups- in August 1956 was followed by several hundred teenagers singing songs from the film on Tower Bridge. A report by the Daily Mirror the following day described the events in terms of a fully-fledged riot. Thereafter, minor confrontations between teenage audiences and the authorities as well as destructions of cinema seats took place around Britain during performances of the film. To a certain extent, however, these were provoked by heavy-handed reactions by cinema managers and the police. It is revealing that the film had already been released in 300 cinemas around the country, before the South London incident took place. Various other incidents of a similar nature took place in Britain, the rest of Europe and the United States during this period. cf. Denisoff and Romanowski, *op.cit.*; Rock, P. and Cohen, S. *The Teddy Boy* in Bogdanor and Skidelsky, *op.cit.*, pp.288-320.

[52] Gilbert mentions the seemingly unmotivated murder of a vagrant by teenagers in Brooklyn, New York in 1954; Gilbert, *op.cit.* Another notorious incident took place on Clapham Common, London on 2nd July 1953, when a boy was stabbed during a gang fight; a conviction for murder against the defendant was upheld by the House of Lords in *Davies v DPP* [1954] 2 W.L.R. 343. Incidents of this kind were not only sensationalised by the press, they were also in some cases misreported: for example, the "Teddy-boy" murder of a Cypriot cafe-owner in Camden Town in May 1955 was ultimately discovered as not having been committed by a Teddy-boy after all: Rock and Cohen, *op.cit.*

[53] In Britain, public alarm and indignation focussed on the Teddy Boys; in France on the youth gangs of the "*Blousons Noirs*"; in Germany, on the "*Halbstarken*": cf. Fyvel, *op.cit*, pp.306-7; Rock and Cohen, *op.cit.*.

[54] In Britain, indictable offences committed by males aged between 14 and 17 rose from 13,387 in 1954 to 24,749 in 1960. For the 17-21 age-group, the equivalent figures are 10,152

Criminal Appeal responded by warning in *R. v Warner and White* that no leniency would be shown in cases where young defendants were involved in incidents of widespread violence[55]. It is indicative of the measure of the alarm on this issue that, in a poll conducted by the Roper organisation in 1959, the American public appeared to be more seriously preoccupied with juvenile delinquency than racial segregation or atomic weapon testing[56].

In retrospect, the authenticity of the juvenile crime wave in the latter half of the 1950s has been severely doubted[57]. Exaggerated reports by the media and heavy-handed reaction by the authorities, rather than any significant alteration in juvenile behaviour, appear to contribute to the perception of increasing youth crime.

The underlying causes of the moral panic are to be found in the anxiety many felt over the waning vitality of the institution of the family[58]; or in the nostalgia sensed for the discipline and social cohesion of the wartime era[59]. Discontent with the centrality of the role the mass media had seized in shaping culture, especially when linked with the memory of the dark purposes for which these were employed during the war, probably also

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to 25,018. Home Office, *Criminal Statistics for England and Wales* 1954-1960 London: H.M.S.O 1955-1961. A similarly pointed rise is recorded in the US Children's Bureau record of Juvenile Court Cases and the FBI annual compendium of police arrests. Gilbert, *op.cit.* pp.66-7.

[55] [1956] Crim. L. R. 424. In this case, the Court refused to substitute sentences of Borstal training for the sentences of 18-months imprisonment that had been imposed on the defendants. The two defendants had participated in a public house brawl and had been convicted of wounding with intent to cause grievous bodily harm and unlawful wounding. Similarly, in *R. v Gauci* [1955] Crim. L. R. 789, the defendant, who, while on licence from a Borstal institution, first caused along with others a nuisance outside a dance hall and then obstructed police officers while in the performance of their duty, was sentenced to custody.

[56] Gilbert, *op.cit.*, pp.67-72.

[57] Fyvel claims that the rise may simply reflect the activation of a politically and judicially-inspired social order, or even the diminishing tolerance accorded to juvenile lawbreakers that naturally accompanied the move to anonymous suburban living. Fyvel, *op.cit.*, pp.264-65. Walter Miller remarks that the moral panic probably acted in the manner of a self-fulfilling prophesy, as the police were pressured to make more arrests, and youth gangs felt the need to conform to the dangerous stereotypes propagated by the media. Miller, W. *Lower Class Culture As A Generating Milieu Of Gang Delinquency* 14 Journal of Soc. Issues (1958) 5. Daniel Bell points out that the official statistics were deceptive as, in the fashion of the times, more attention was paid than ever before to neurotic behaviour, and juvenile delinquency was simply one of its forms. Fyvel, *op.cit.*, p.p.264-65. Gilbert claims that if any increase in criminal behaviour did occur, it was in the relatively unimportant area of status crimes. He also contends that doubts cast on the authenticity of the juvenile crime wave in the 1950s were among the inspirations of the labelling movement of the next decade. cf. Gilbert, *op.cit.*, pp. 41-79.

[58] See below, Ch.I, **a.)**, **iii.)**.

[59] Particularly in Britain, cf. Vansittart, P. *In The Fifties* London: John Murray, 1995, pp.158-59.

played a part[60]. The moral panic over juvenile delinquency can also be interpreted as a measure of the uneasiness felt by adults towards social and cultural changes that emerged during this era and gradually affected them too. Gilbert refers to the undercutting of old, trusted morality by the new ethics of affluence[61] and the alteration of sexual politics within the home by the increasing participation of women in the labour force[62]. It is as if, he states, "*adults wanted to punish the messengers of change*"[63].

The sheer number of films on the topic of juvenile delinquency produced during this era can be seized upon as persuasive evidence that the moral panic did not leave the cinema industry unaffected[64]. Hollywood crime films have always borrowed their subject matter from what has recently happened -or is perceived as happening- in American crime[65]. The Hollywood film industry predictably claimed that these films were its method of participating in the "*national fight*" against juvenile delinquency, while alternative viewpoints have portrayed it as an unsubtle attempt to exploit public interest and fear of the burgeoning youth culture[66]. Another measure of public alarm is that the offences juvenile delinquents are depicted as committing in the films of the 1950s -especially in the "exploitation" films- vastly differ in degree of seriousness from those committed by their

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[60] This focus on the media was further enabled by the advent of a new field of study, communications research. Such was the alarm in the US over the potential influence of the media on the minds of the young, that a Senate Committee, led by Estes Kefauver, was appointed in 1954 to investigate the connection between discourses in comics, films and television and juvenile delinquency. On the subject of films, the report of the committee hedged its bets: there was a valid reason to believe, it stated, that films such as *the Blackboard Jungle*, might have a deleterious effect on the development of youth. At the same time, however, the Committee recognised that, according to the sociological and psychological thinking of the era, bad films could not in any way be held responsible for creating additional delinquency. Gilbert, *op.cit.*, pp 3-4

[61] See also below, Ch.I, **c.)**.

[62] *Ibid.* See below, Ch.I, **e.)**.

[63] *Ibid.*, p.41.

[64] cf.Rose, C. *Teen Dreams* in Lloyd, A. (ed.) *Movies Of The 1950s* London: Orbis Publishing. It should be mentioned here that many of these films are beyond the scope of this thesis (see the selection criteria for the films in the preface), as they were never especially popular in Britain. In some cases, they were not even released in this country. For an analysis of these so-called juvenile "exploitation" films, see Doherty, *op.cit.*. However, even within the confines of this study, the proportion of films on juvenile delinquency, as opposed to adult crime, is substantially higher in comparison with later decades.

[65] McArthur, C. *The Concrete Jungle* in Lloyd and Robinson, *op.cit.*, pp.157-66; Rose, *op.cit.*.

[66] Gilbert, *op.cit.*, p.163.

1930s and 1940s counterparts in the series of Dead End Kids films[67] and in *Boys Town*[68]. The juvenile delinquent is now perceived as an authentic threat to the social order[69].

Within the films themselves, the existence of the moral panic can be evidenced in the form of a heightened awareness by adult characters of juvenile delinquency as a significant social problem[70]. Only in this manner can the father's reaction in *Rebel Without A Cause* be explained. Upon confronting his delinquent son in the police station, he immediately inquires: "*We give you love and affection, don't we Jim?*" Jim's father in this scene displays that he is well acquainted with popular theories on the causes of juvenile delinquency[71]. In *The Delicate Delinquent*, both a benevolent policeman and a stringent City Council representative rashly label the rather innocuous protagonist a "*juvenile delinquent*" and eagerly proceed to discuss the ubiquitous problem of delinquency. Finally, in *The Young Stranger*, it is illustrated how this heightened sensitivity can have adverse effects and lead to hostile and deleterious labelling. The protagonist's parents hasten to interpret a trivial altercation between their son and a cinema manager as the first worrying symptom of juvenile delinquency[72]. In this film, delinquency is conceived as a social disease that warrants immediate treatment in order to avoid a rapid deterioration of the offender's condition.

iii.) Anxiety over the Family and Family-Oriented Explanations of Crime

Anxiety over the family initially centred around the disruption that had taken place in most domestic environments during the war. The suspicion that this might have adversely affected the children who were then in their

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[67] *(eg: Dead End, 1937, U.S., W.Wyler)*
[68] *(1938, U.S., N.Taurog)*
[69] Doherty, *op.cit.*, p.76.
[70] The alarm over juvenile delinquency during the 1950s is parodied in one of the later films examined in this study, *Cry-Baby (1990, U.S., J.Waters)*.
[71] Awareness of the probable causes of criminal and delinquent behaviour is demonstrated, to an even higher degree, by cinematic characters in films released in later decades. See below, chs. II-V.
[72] In this film, the young protagonist creates a minor disturbance at the cinema. The cinema manager orders him to his office, but the adolescent refuses. Thereupon the manager and his security guard begin to violently handle the adolescent; he responds, almost in self-defence, by punching the manager.

formative years was fuelled by the increase in recorded delinquency rates. Research evidence, however, was at best inconclusive on the possible association between wartime dislocation and delinquency[73]; rising rates of juvenile delinquency were recorded in neutral Sweden as well[74].

Family ties were also perceived as being weakened by the economic emancipation of the young, which inevitably brought about a greater democratisation of family relations and a concomitant decline in parental control[75]. The mass media again bore part of the blame; they were claimed to be sanctioning a message of personal irresponsibility held accountable for the breakdown of many marriages[76]. Discomfort over the increasing participation of women in the labour market and the influence this might have on the upbringing of their offspring, can also be detected in the literature of the era[77]. Finally, it can also be speculated that this selective focus on the nuclear family was further facilitated by the aforementioned dissolution of inner-city working class communities in favour of family-segregated suburban units. The preoccupation with the institution of the family during this era is reflected in the emerging popularity of child-rearing experts, such as Dr. Benjamin Spock, whose "*Baby and Child Care*" advocated a liberal attitude towards children[78].

In the 1950s, there was substantial agreement in criminological circles as to the factor that primarily contributed to the genesis of criminal behaviour. An emotionally deficient familial environment was held to cause serious psychological damage to the juvenile. Delinquency was interpreted as

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[73] In a Home Office Research Unit Report, Wilkins noted that the effects of wartime disruption could be detected primarily in children who were five years old at the time of the disturbance. Even then, the effects were at best latent, since no significant variance was recorded between the delinquency rates of this generation and previous or subsequent ones, until the respondents were sixteen years old. The theory of wartime disruption could not explain either why female members of the generation appeared unaffected. Wilkins, L. *Delinquent Generations* London: H.M.S.O. 1960

[74] Fyvel, *op.cit.*, pp.30-2. Still, Fyvel argued that wartime dislocation could account for certain key characteristics of Teddy Boy culture, such as the obsessive gang loyalty or the importance of the sartorial uniform; *Ibid.*, pp.65-66.

[75] Cohen, A.K. and Short, J. *Research In Delinquent Subcultures* 14 J Soc Issues (1958) 20

[76] British Medical Association, *op.cit*; Fyvel, *op.cit.*, p.194.

[77] Fyvel argued that mothers went to work, having been convinced by "*the insidious voice of advertisers*" that the ownership of material possessions equates with glamour and happiness; Fyvel, *op.cit.*, p.194. Bowlby's theory of "*maternal deprivation*" also sought to discourage women from entering the marketplace: see below, Ch.I, **e.)**.

[78] Gitlin, T. *The Sixties: Years Of Rage, Days Of Hope* New York: Bantam Books 1987, p.42.

one of the potential symptoms of this maladjustment[79]. However, there was significant variance as to what precisely rendered a familial environment dysfunctional and could thus be considered as the root cause of delinquent behaviour. Theorists alternately pointed the finger at parental absences during the child's formative years[80]; at broken homes generally[81]; at intact yet disharmonious homes[82]; at the under-the-roof culture[83]; at parental indifference and neglect[84]; at erratic discipline[85]; at the lack of quality and intensity in the child-parent relationship that hindered the former's love-oriented socialisation[86]; and, lastly but not exhaustively, at inadequacies in the parents' behaviour and worth that rendered them inappropriate role models[87]. Confidence in this aetiological avenue of inquiry was such that criminologists even went as far as linking specific infractions to specific deficiencies in the offender's home life[88]. The domination of family-oriented theories of criminality is probably best illustrated by the finding that even researchers, whose main line of interest lay elsewhere, did not fail to

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[79] Even drug addiction was explained in these terms: cf. Cohen and Short, *op.cit.*.This is significant, in view of developments in the 1960s; see Ch. II.

[80] cf. Bowlby, J. *Maternal Care and Mental Health* Geneva: World Health Organisation 1951: see also below, f.); Andry, R.G. *Delinquency and Parental Pathology: a Study in Forensic and Clinical Psychology* London: Methuen 1960.

[81] Fyvel claimed that a broken home upbringing generated in the offspring concerned a need for security, esteem and status, that was fulfilled by their defiance of societal standards and by their participation in collective street gang action. Fyvel, *op.cit.*, pp.213-225.

[82] cf. Nye, *op.cit.*; McCord, W., Mc Cord, J and Irving, L. *Origins of Crime: a New Evaluation of the Cambridge-Somerville Youth Study* New York: Columbia University Press 1959

[83] cf. Glueck S. and Glueck, E.T. *Unraveling Juvenile Delinquency* Cambridge, Mass.: Harvard University Press 1960; Wilson, H.C., *op.cit.*.

[84] cf. Salisbury, H. *The Shook-Up Generation* New York: Harper 1958; Karpman, B. (ed.) *American Orthopsychiatrists Association: Symposia on Child and Juvenile Delinquency* Psychodynamics Monograph Series 1959.

[85] cf. Wilson, H.C. *op.cit.*.

[86] cf. Bandera, A. and Walters, R. *Adolescent Aggression A Study of the Influences of Child-Training Practices and Family Interrelationships* New York: The Ronald Press Company 1959. On a similar note, the McCords contended that psychopaths exhibited an inability to maintain close relationships, due to their inexperience with affectual bonds during their upbringing. Their impulsive behaviour could also be attributed to the fact that they had never learnt in the past to control their actions, in order to gain their parents' approval and affection. McCord W. and Mc Cord J. *Psychopathy and Delinquency* New York: Grune and Stratton 1956

[87] cf. Gardner, G.K. *Separation of the Parents and the Emotional Life of the Chi*ld 40 Ment Hygiene (1958) 53.

[88] cf. McCord, McCord and Irving, *op.cit.*. The authors viewed drunkenness, for example, as an attempt to assuage the feelings of rejection that have arisen in a broken or a quarrelsome home. Traffic violations were interpreted as an effort by the delinquent to achieve the power and the mastery maternal domination had denied him; or alternatively, as a way of compensating for the emotional passivity of the delinquent's mother.

acknowledge the prime significance of the home environment in the search for the causes of crime[89].

Governmental research and policy confirmed the belief that the root cause of crime and delinquency was the lack of a satisfactory familial environment. The Home Office-appointed Departmental Committee on Children and Young Persons, chaired by Viscount Ingleby, reported in 1960 that the lack of a satisfactory home should be considered as the primary cause of delinquency[90].

Furthermore, since crime and delinquency were reasoned as mere manifestations of an underlying psychological disorder, penal measures were not so much aimed at punishing the specific offence perpetrated by the delinquent, but at treating the disorder itself, through addressing the individual offender's specific needs: the "*individualisation*" approach. Indeed, a certain distaste towards punitive measures and an overarching concern for the offender's rehabilitation is detected in the 1959 White Paper "*Penal Practice in a Changing Society*"[91]. *Inter alia* this recommended the creation of a Special Remand Centre, so that boys due to be sent to a

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[89] Cohen was aware that a large portion of delinquent offences could be attributed to psychogenic factors. He also claimed that certain characteristics of middle-class subcultures had developed as a reaction against the father's absence from the middle-class home, due to work. cf. Cohen, A.K. *Delinquent Boys* New York: The Free Press 1955 pp.11-17, 160-3. Mays also acknowledged the overwhelming significance of a healthy familial environment in preventing delinquency. He even suggested that parents who failed to supervise and adequately socialise their offspring should be persecuted. Mays, *op.cit.*, p.230. Finally, the Gluecks increasingly focussed on the effects of an unsatisfactory home environment, vis-a-vis constitutional factors in their search for the causes of crime; cf. Glueck and Glueck (1960), *op.cit.*. However, even in their earlier writings, where they mostly concentrated on the causal association between a mesomorphic body type and delinquency, the Gluecks acknowledged the influence of the familial environment. They described a problematic family environment as a "*common ground trait*", liable to generate delinquency in juveniles of all somatotypes; cf. Glueck, S. and Glueck, E.T. *Physique and Delinquency* New York: Harper and Brothers Publications 1956, p.254.

[90] Home Office, *Report of the Committee on Children and Young Persons* Cmnd.1191 London: H.M.S.O. 1960; Ball, C. McCormac, K. and Stone, N. *Young Offenders: Law, Policy and Practice* London: Sweet and Maxwell 1995, p.23. These findings are unsurprising, given the history behind the formation of the committee. A letter published in the Times on the 16th of March 1955, signed by, among others, Rosamund Fisher, the wife of the Archbishop of Canterbury, and Dr John Bowlby, sought to impress on the government the urgent need for reorientation of social services towards the restoration of the family and pressured for the appointment of a committee "*whose terms of reference are wide enough to include all cases of family breakdown*". A delegation by the authors, the "Fisher group" to the Home Office ensued. Bottoms, A.E. and Stevenson, S. *What Went Wrong? Criminal Justice Policy in England and Wales, 1945-70* in Downes, D (ed.) *Unravelling Criminal Justice: Eleven British Studies* London: Macmillan 1992, pp.34-5.

[91] Home Office *Penal Practice in a Changing Society* London: 1959 Cmnd. 645.

Detention Centre would not spend a demoralising period in prison. In a similar vein, the White Paper argued for the introduction of more Detention Centres, which would receive all juvenile offenders sentenced to custody for a period under six months. In general, the White Paper proposed that custodial sentences be kept to a minimum. At any rate, in the period under examination, most punitive measures, with the exception of the fine, were not widely used in cases of juvenile delinquency[92].

Faith in the rehabilitative potential of criminal justice policy was still flourishing in the 1950s[93]. The 1959 White Paper marked a high point of governmental optimism in reformative treatment within a custodial setting. The majority of its proposals, fit well within a rehabilitative rationale. *Inter alia* the White Paper recommended the creation of a single indeterminate custodial sentence for juvenile offenders up to a maximum of two years, which would be subject to the periodic review; continued detention would be based upon an offender's progress in custody. It also suggested the institution of Classification and Observation Centres for juveniles and adults alike, so that offenders could be classified according to their personal needs, and not according to the offence they had committed or their prior record[94]. In *R. v Noseda*[95], the Court of Criminal Appeal fully embraced the rehabilitative rationale, by declaring that sentences passed on juvenile defendants should not be based on anything other than the needs of the defendant and the specific facts of the case.

Furthermore, there is unprecedented -hitherto and since- governmental support of criminological research, in the hope that substantial information about the causes of crime and the treatment of offenders would be revealed; the 1950s marked the point of convergence between criminology as a science and as an administrative aid[96]. The 1959 White Paper hailed the founding of

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[92] Fyvel, *op.cit.*, pp.170-73; Harris and Webb, *op.cit.*, pp.19-20.

[93] Martin, however, views the systematic undercutting of treatment ideology as beginning from the 1950s, as the first ever Home Office Research Study, Wilkins' "*Prediction Methods In Relation To Borstal Training*", cast doubts on the reformative effect of Borstals on received youth. Martin, J.P., *The Development of Criminology in Britain 1948-1960* in Rock, P. (ed.) *A History of British Criminology* Oxford: Clarendon Press 1988, p.40.

[94] Fyvel, *op.cit.*, pp.170-3; Bottoms and Stevenson, *op.cit.*, p.10-3.

[95] [1958] 1 W.L.R. 793.

[96] Garland, D. *Of Crimes and Criminals: The Development of Criminology in Britain* in Maguire *et al.*, *op.cit.*, pp.55-9.

the Home Office Research Unit as well as the imminent establishment of the Cambridge Institute of Criminology, the first university department devoted to the field. It also declared the belief on the part of the government that the problem of crime could not be tackled effectively without more knowledge about its causes and more accurate measurements of the success of various forms of treatment[97].

It should also be noted that there was considerable cross-party agreement on almost all the issues of criminal justice policy during this era. This sharply contrasts with later developments[98]. Only certain Conservative backbenchers advocated a more retributive view of criminal justice policy, especially after the crime and delinquency rates began to soar, calling for the restoration of corporal punishment and conscription, as well as for more restrictive regimes in the Borstals and the detention centres[99].

The prevalence of family-oriented theories of crime during this era can be explained along the lines of Young's theory of the "*modernist project*" and "*the narrow conduit of causality*". As a term, *modernity* refers to the conviction that, through the application of rational thought, endeavour and expanding knowledge, man will be able to create an improved, near-perfect society[100]. Diverse and contradictory political ideologies, such as Marxism and National Socialism, have been viewed as expressions of the modernist ethos[101]. Young, however, identifies in liberal, twentieth century societies a specific "modernist project": an impetus towards incorporating the whole of the population into full citizenship. This impetus is primarily evidenced in interventionist State policies.

A key premise of Young's "modernist project" is that there is an acceptance in Western societies of the dominant social order as the best of all possible worlds. As a result, conformity to this social order is deemed to be rational, even, one might say, natural, and remains unquestioned. Deviance from it, however, can only be attributed to uncontrollable, *determining* forces

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[97] *Ibid*; Bottoms and Stevenson, *op.cit.*, pp.10-22, p.6.
[98] See esp. Chs. IV, V.
[99] cf. Bottoms and Stevenson, *op.cit.*, p.6; Harris and Webb, *op.cit.*, p.21.
[100] cf. Smart, B. *Postmodernity: Key Ideas* London: Routledge 1993, p.64; Schwartz, M.D. and Friedrichs, P.O. *Postmodern Thought and Criminological Discontent*: *New Metaphors For Understanding Violence* in Henry S. and Einstadter, W. (eds.) *The Criminology Theory Reader* New York: New York University Press 1998, pp.419-35.

propelling the deviant individual into the behaviour in question, against -one can surmise- his best interests. Young refers to this rationalisation of deviance as the "narrow conduit of causality"[102].

It can easily be seen that the aforementioned family-oriented explanations of deviance pose few problems to the presuppositions of the "modernist project". In the first place, they are sufficiently individualised to leave the "narrow conduit of causality" unchallenged. Furthermore, it can be supported that this path of causal inquiry was culturally preferred to an equally atomistic biological avenue of investigation, because it fits well into another central premise of the "modernist project". This is the idea that the "*deviant other*", rather than being abandoned in his fate, is to be brought back into the main body of society, through exposure to its better-adjusted members, or by undergoing treatment at the hands of practitioners of clinical, positivist disciplines[103]. In other words, he is to be *rehabilitated.* It is observed that the concept of rehabilitation brings us back full circle to the crux of the modernist project: the incorporation of the whole of the population into full citizenship.

In the overwhelming majority of the films that were examined from this era, delinquency and crime were explained in terms of an underlying psychological disorder, rooted in a previous or current problematic relationship between the offender and his parents. The classic example is found in *Rebel Without A Cause*, where the delinquents' infractions mirror their specific dissatisfactions with their families. As has already been seen, a similar link was made in criminological theories put forward during this era[104]. Thus Plato (Sal Mineo) is caught killing a litter of puppies, because they present him with the image of the happy family he is denied by his indifferent mother and his absent father. Jim (James Dean) overreacts to any provocation that calls into question his masculinity because he is frustrated with his servile, apron-wearing father. Finally, the discomfort Judy's father feels over her increasingly feminine appearance is held to account for her

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[101] cf. Bauman, Z. *Modernity and Ambivalence* Cambridge: Polity Press 1991
[102] Young (1998), *op.cit.*, pp.65-66
[103] *Ibid.*

near-slatternly behaviour. Throughout the film, the importance of a healthy familial environment is repeatedly stressed, and most graphically portrayed when the three heroes form a surrogate, idealised family[105].

Similarly, in *Somebody Up There Likes Me*, Rocky Grazziano's troublesome behaviour is attributed to his dysfunctional relationship with his abusive, alcoholic father. Because of his father's failed boxing career, Rocky has developed a strong aversion to the sport and is initially reluctant to exploit his own talent for it. As Rocky rises through the championship ranks, his father grows to resent his success and this is shown to inhibit the former's progress. In one of the final scenes of the film, Rocky is ultimately reconciled with his father and thereafter makes a successful attempt at winning the championship.

Equally impressive are the assumptions underlying the plot in *The Sleeping Tiger*[106]. In this film, a psychiatrist claims that "*in the dark forests of every human personality lies a huge, sleeping tiger*". It is posited that this bundle of deviant drives is unleashed by an unhappy childhood. The habitual criminal offender, on which this theory is tested, initially laughs off the psychiatrist's claims. "*You are born the way you are*", he states, and proceeds to obstruct the psychiatrist's efforts at therapy by lying about his childhood experiences. By the end of the film, however, the psychiatrist has succeeded in locating the root cause of the offender's criminal behaviour in the latter's problematic relationship with his stern, abusive father. The offender is presented as completely cured and rehabilitated, now viewing the psychiatrist as a surrogate father figure. Furthermore, the association between family-generated traumas and deviance is reconfirmed by the fate of the psychiatrist's wife. Having initially boasted to the young criminal that she "*made a life for herself*", in spite of having been raised in a broken home, the wife eventually falls in love with him, revelling in his adventurous lifestyle. Towards the end of the film, she plans to leave her husband and run

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[104] See above, fn.88.

[105] "*How can a guy grow up in a circus like that*?" Jim (James Dean) asks the sympathetic police detective, when they are both confronted with the former's dysfunctional family. "*Nobody talks to children*", Judy (Natalie Wood) complains to the other two juvenile heroes, when they find themselves alone in a deserted mansion. "*If only you could have been my dad*", Plato (Sal Mineo) tells Jim, in the same scene.

[106] *(1954, G.B., J.Losey)*

away with the young criminal. The latter, however, refuses, not wanting to hurt the man who cured him. Hence, the "*sleeping tiger*" of the title refers equally to the wife's troubled psyche as to that of the criminal: a theme that is rendered explicit in the last scene of the film[107].

In many of the films of this era, the offender is portrayed as growing up in a broken home. Yet, on the whole, it is not the absence of a natural parent *per se*, and the consequences this might entail for the supervision of the child, that is held to account for the offender's delinquency. Rather, it is the communication problems the offender is facing with the remaining parent that link family breakdown and juvenile delinquency. For example, in *King Creole*, the protagonist's single father finds it necessary to refer to his shorthand notes to discuss matters with his delinquent son[108]. Additionally, the feeling of being unloved, exacerbated by parental absence, is depicted as pushing children from a broken home towards delinquency[109].

b.) Subcultural Theories of Criminality

Subcultural theories put forward an alternative aetiological route to the commission of criminal and delinquent acts[110]. Their initial presupposition is that there are individuals who are unable to achieve the goals promoted by the dominant culture of our society. Reacting against this failure, these individuals come to dispute the legitimacy of the dominant culture. They elect to join together in the formation of a *subculture*: a group that abides by different, *deviant* norms and values, which these individuals are well-placed to follow. Adherence to deviant norms and values is expectedly followed by the commission of deviant acts[111].

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[107] In the last scene of the film, the young wife abandons her home. She crashes her car underneath a large poster picturing a tiger.

[108] Communication problems, however, are not limited to broken homes: see, for example, *The Young Stranger.*

[109] *East Of Eden (1955, U.S., Elia Kazan), Pickpocket*, Plato in *Rebel Without A Cause*. Here it should be noted that, apart from *The Sleeping Tiger*, violent parental abuse is explicitly depicted in *The 400 Blows (1959, Fr., F.Truffaut)*; it is also hinted at in *The Wild One.* The theme of parental abuse -particularly of the sexual kind- will become more prominent in films of subsequent decades: see esp. Ch. V.

[110] It should be stressed that subcultural theories are by their nature limited in their applicability; they do not purport to account for all forms of delinquency.

[111] Cohen claimed that subcultures arise from the interaction of actors who share the same problems of adjustment to the dominant culture. These problems of adjustment are created by the structural disadvantage faced by working-class juveniles in meeting the middle-class

It needs to be stressed that subcultural theories are not antithetical to psychological or socio-economic theories, as the individuals' initial failure to succeed under the terms of the dominant culture is attributed either to family-generated traumas[112] or to their disadvantaged structural position[113]. Furthermore, it is observed that subcultural theories, like the family-oriented explanations of crime previously considered, leave the basic premises of Young's "modernist project" unchallenged[114]. The term "subculture" alone presupposes the existence of a dominant, "main" culture. Deviance from the latter is yet again explained in terms of the offender's personal maladjustment. Obviously, contemporary interest in subcultural theories was magnified by the attention placed on the delinquent behaviour of youth gangs during this period[115].

In the 1950s, the "modernist project" would only be challenged by a distinct variant of subcultural theory, Walter Miller's "*culture conflict*" theory. Walter Miller disputed the existence of a dominant, "main" culture. In his more pluralist view, lower-class and middle-class cultures coexist, each with a tradition and integrity of its own. Children born in the lower-class strata of society come to accept the precepts of their respective culture neither by way of personal maladjustment nor of a reaction-formation process against middle-class culture, but in a normal, non-pathological manner[116]. Miller protested against the employment of middle-class

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criteria that would confer status upon them in society. The delinquent subculture provides them with status-conferring criteria they can meet. cf. Cohen, *op.cit.*. Cloward and Ohlin's theory is a subcultural variant of Merton's "*strain*" theory. In their view, delinquent subcultures originate in the discrepancy between the lower class juveniles' culturally induced aspirations and the likelihood of achievement of those aspirations by legitimate means. Failure in the achievement of these aspirations, increasingly likely as one descends the class structure, results in the juveniles' withdrawal of the attribution of legitimacy to the dominant cultural norms. The adoption of subcultural values provides the juveniles with a validation of their frame of reference and a welcome resolution of the alienating tension their failure had generated. cf. Cloward, R.A. and Ohlin, L.E. *Delinquency and Opportunity: A Theory of Delinquent Gangs*, London: Routledge and Kegan Paul 1960.

[112] Mays noted that the subcultural type of offender usually came from a broken home, and was characterised by a shallow relationship with his father, and a close emotional attachment to his mother, that rendered him diffident in playing the culturally prescribed male role; cf. Mays, *op.cit.*, p.210-229. A similar argument was put forward by Cohen in relation to middle-class subcultural delinquents. See above, fn. 89.

[113] See above, fn. 111.

[114] See above, Ch.I, **a.)**, **iii.)**.

[115] See above, Ch.I, **a.)**, **ii.)**.

[116] Cohen claimed that subcultural norms were characterised by their antithesis to dominant cultural norms; they were "*negativistic*" and "*malicious*", as they were created by a

standards as the immutable point of reference. In his view, the precepts of lower-class culture did not come about in deliberate negation of middle-class norms, they just happened to be different[117]. He argued that adherence to the "*focal concerns*"[118] of lower-class culture often translated into automatic violation of the criminal law, as the latter was primarily based on middle-class values.

Miller's theory can be described as being ahead of its time in many respects. It is the first to acknowledge that competing and conflicting cultures coexist within the same society, it also is the first theory since classicism to portray the offender as a rational man, electing to commit an offence when such an option appears more rewarding than the law-abiding one. Miller does not view lower-class offenders as necessarily *pathological* and it is in his thesis that one encounters seeds of the labelling and conflict criminological theories that grew especially popular during the 1960s and the 1970s[119].

In a substantial portion of the films examined for this era, the cinematic offender is a member of a delinquent subculture and the majority of his infractions are committed in association with other members of his delinquent gang. The clash between the lifestyle of subcultural members and dominant, adult culture is vividly depicted in *The Wild One*, where the motorcyclist gang panic the coffee shop owner with their violent antics, their musical taste and their "argot" language. In the same spirit, the students destroy their teacher's treasured jazz record collection in *The Blackboard Jungle*.

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psychological process defined as "*reaction-formation*": the juveniles reacted to their failure to succeed by middle-class standards, by embracing values that were deliberately inimical to them: Cohen, *op.cit.*, pp.25-29, 121-9.

[117] Miller, *op.cit.*. In "*Growing up in the City*", John Barron Mays put forward a similar argument. He viewed delinquency as part of the social tradition of underprivileged neighbourhoods, which was reinforced by the juveniles' lack of educational attainments and creative activities; cf. Mays, J.B. *Growing up in the City* Liverpool: Liverpool University Press 1954. However, in his later work, he would also stress the importance of the offenders' family-generated pathology. See above, fn. 112. Sykes and Matza disputed the validity of both the subcultural and culture conflict theses. They argued that the presumption that delinquents are adhering to different norms and standards is disproved by their own behaviour: their guilt upon apprehension, or their anger at having illegal behaviour imputed to persons they admire and love; Sykes and Matza, *op.cit.*.

[118] For Miller, lower-class culture prioritized certain "focal concerns", such as "*toughness*" or "*excitement*", over norms and values: Miller, *op.cit.*.

[119] See below, Chs. II, III.

Routinely in the films, the underlying causes of the offenders' participation in delinquent gangs are primarily found, as in the theories put forward by Cohen and Cloward and Ohlin, in their covert need for status. In *The Wild One*, the protagonist is the leader of a motorcyclist gang; his search for status is symbolically rendered by his treasured possession of a stolen motorcycle race trophy. In *The Delicate Delinquent*, the protagonist confesses to a benevolent policeman his overwhelming desire to "*be something*".

Alternatively, the offenders' adherence to subcultural norms is rationalised as an expression of their sense of injury against a social order that is perceived as having treated them unfairly. In the final scene of *The Delicate Delinquent*, the gang leader states his conviction that he, together with all slum children, "*are born losers*". He wrongly mistrusts the benevolent intentions of the protagonist and the policeman: "*Nobody does anything without an angle*". It should be pointed out in this context that, in the films examined, members of delinquent gangs invariably come from the working-class, with a single exception: in *Rebel Without A Cause*, a middle-class gang is briefly pictured.

Unsurprisingly, the offender's willingness to join a deviant subculture is also explained by reference to his dysfunctional domestic environment. In *The Blackboard Jungle*, an experienced policeman offers the view that the wartime disruption of families, combined with the general dissolution of social institutions during this era, unwittingly transformed street gangs into surrogate families. In *The Wild One*, it is revealed that the protagonist's nomadic lifestyle is related to the violent abused he received in the hands of his father.

c.) The Moral Ambivalence

At this point, it is necessary to recapitulate the underlying presuppositions behind the concept of the "narrow conduit of causality". In the first place, as elaborated above[120], this concept is predicated upon a widespread acceptance of the current social order by the overwhelming

[120] See Ch.I, **a.)**, **iii.)**.

majority of the population. This acceptance leads to an interpretation of conformity as a rational response and, at the same time, an explication of deviance in terms of positivist, deterministic theories. Determinism itself carries with it the presumption that deviants would act differently, had they possessed a choice; and that deviants, being of a pathological nature, have a substantially different experience of life from conforming members of society. Any pleasure they derive from their aberrant behaviour is hence to be attributed exactly to this pathological nature. Rational, conforming citizens are deemed impervious to the attractions of deviance.

It will be argued in this section that, during this era, a complete acceptance of the social order is not encountered. Concealed beneath the unquestioning surface of the *"modernist project"* is a substantial uncertainty about the values by which man is supposed to live. Specifically, support for the dominant value hierarchy of Western societies, the Protestant Ethic, and its traditional advocacy of self-discipline and deferred gratification, is beginning to waver. A burgeoning emphasis on different ideals, such as hedonism and self-expressiveness, which carries within it the seeds of the 1960s countercultural movement, can be traced back to this era.

Gitlin claims this moral ambivalence was a consequence of the realisation that affluence did not bring about the promised private and public utopia; personal contentment, particularly, still proved elusive[121]. The significance attached to hedonism during this era was further bolstered by the weakening of deferred gratification patterns in middle-class education, described by Cohen[122]; the decline in the influence of religious and spiritual values[123]; and the expansion of the advertising industry and consumerism in general[124]. Above all, public alarm over rock and roll might have been exaggerated, yet it is undisputed that the new music effected an unprecedented legitimation of unrestrained personal expression. One should not concentrate on the relatively innocuous -yet definitely hedonistic- lyrics of the music of the era, but on the invitation it offered, through its beat, to

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[121] Gitlin, *op.cit.*, pp.21-22.
[122] cf. Cohen, A.K. *Middle-class Delinquency and Social Structure* Paper Delivered at American Society of Sociologists Meetings, August 1957
[123] British Medical Association, *op.cit.*.
[124] Fyvel, *op.cit.*, pp.190-4.

express oneself through dancing; and on the uninhibited, sexually charged performance of rock and roll singers, such as Elvis Presley[125]. According to Hill, rock and roll informed individuals of the possibility of "*Otherness*"", of a different, yet equally valid, "*configuration of both personal and social energies*"[126].

This ambivalence is further evidenced in the popularity of Existentialist philosophy during this era. Existentialists put forward the view of an *absurd* human existence, lacking an *essential* meaning and purpose; man was free to discover the true purpose of life in whatever provided him with the requisite fulfilment[127]. The moral relativism of Existentialist philosophy was embraced and practised during the 1950s by the "Beats": a celebrated group of American writers and poets, who rejected the order of postwar society as well as the fruits of affluence, in favour of immediate sensory pleasures and an adventurous, unconventional lifestyle[128].

This moral ambivalence was largely ignored by criminological theory, though the pluralist philosophy underlying Walter Miller's culture conflict theory has already been pointed out[129]. Finestone's study of the hedonist subculture of the "*cats*" [130] needs also to be mentioned in this context. Finestone discovered that the "*cats*"" supreme value was the "*kick*": the participation in any act, tabooed by ordinary members of society, that heightened the present moment and clashed with the dreary routine of ordinary life. Sykes and Matza also acknowledged the tension between the

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[125] Gitlin, *op.cit.*, p.37.

[126] Hill, *op.cit.*, p.68. It should also be stressed that, before rock and roll, popular white music was never perceived as questioning any values or taboos; cf. Martin and Segrave, *op.cit.*. Gradually, however, the controversial elements of rock and roll music were also downplayed. For an account of how this was done, see Howitt, B., *op.cit.*; Hill, *op.cit.*.Finally, the refusal of rock and roll beat groups to erect barriers between leisure and work probably further weakened the appeal of deferred gratification to young audiences. Bradley, *op.cit.*, pp.54-69.

[127] Vansittart, *op.cit.*, p.209.

[128] Gitlin, *op.cit.*, pp.46-7. It has been claimed that the Beats' nihilism was triggered by the failure of society to provide fulfilling social relations to accompany its rapid economic evolution. Gilbert, *op.cit.*, p.200.

[129] See also Sutherland and Cressey's theory of "*differential association*": below, fn.145. Sociologists such as Cohen or Fyvel also acknowledged the excitement inherent in most delinquent behaviour, yet their accounts give the impression that this sensation can be felt only by adolescents who have been rendered susceptible to it by other destabilizing influences; cf. Cohen (1957), *op.cit.*; Fyvel, *op.cit.*

[130] The "cats" were young, African-American male residents of the inner city ghettoes of the United States who usually engaged in fraud and drugs offences; cf. Finestone, H. *Cats, Kicks and Color* 5 Social Problems (1957) 3.

Protestant Ethic and the Leisure Ethic of teenage culture, with its predominant emphasis on hedonistic behaviour[131].

The ambivalence about moral values crept into cinematic depictions of youth crime during the 1950s[132]; the absence of time-honoured certainties is emphatically stressed in many of the films. In the celebrated planetarium scene of *Rebel Without A Cause*, the students learn that within the larger cosmos, "*man alone seems an episode of little consequence*"; the resemblance with a basic precept of Existentialist philosophy is noted. In similar fashion, a local policeman in *Blackboard Jungle* states: "*Maybe kids are like the rest of the world today: mixed up, suspicious, scared.*" This feeling of uncertainty has been so inextricably linked with the memory of the 1950s that even in *Wish You Were Here*[133], -a film set in 1950s Britain, but actually produced in the *1980s*- a similar scene is encountered.

In this uncertain world, delinquency may be viewed as a confused attempt to create a positive identity. This is the interpretation given by the out-of-town sheriff in *The Wild One*: "*I don't get you. But I don't think you do either*", he tells the leader of the motorcyclist gang. In the same spirit, in *Rebel Without A Cause*, Jim Stark (James Dean) momentarily questions, along with his competitor, their decision to enter a life-threatening automobile race: "*Why are we doing this?*" "*Gotta do something*", Jim replies[134].

Nonconformity is heralded as a cardinal virtue in *Jailhouse Rock*[135]. In this film, Vince Everett's (Elvis Presley) success as a rock singer and film

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[131] A theme further elaborated by Matza in the next decade: See below, Ch. II.

[132] Morally ambivalent cinematic treatments of deviance were undoubtedly facilitated by the relaxation of the self-censorship Hollywood Code that took place during this period (see above, Ch.I, a.), **ii.)**) as well as by the extensions to the freedom of speech accorded to the film industry by a series of Supreme Court decisions, as in *Burstyn v. Wilson* 343 U.S. 495. In this case, concerning the film *The Miracle (1952, Italy, R.Rosselini)*, the Court ruled that a state could not ban a film on the basis it was sacrilegious. The film pictures a poor peasant girl seduced by a passing stranger she confuses for Saint Joseph; impregnated, she dementedly identifies with the Virgin Mary and enters a church to give birth. A gradual abandonment of glib moral distinctions is noted in the whole of the cinematic output of the era. cf. Gilbert, *op.cit.*, p.176; Gow, G. *Hollywood in the 50s* London: Zwemmer 1971.

[133] *(1987, G.B., D. Leland)*

[134] Lewis remarks that in this scene, the adolescent characters confirm the boredom they go at such great lengths to deny; Lewis, J. *The Road To Romance and Ruin: Teen films and Youth Culture* New York: Routledge 1992, p.11.

[135] *(1957, U.S., R.Thorpe)*

star is built on his proclivity to disregard the regulations others seek to impose on him. His music performances prove immensely popular because he sings "*how* [he] *feels it*", and not in imitation of other artists. He even successfully bypasses the traditional procedure of promoting and selling a record by establishing his own company. In many instances throughout the film, Vince markedly declines to follow social etiquette, preferring to give vent to the "*beast in* [him]".

Furthermore, the excitement inherent in delinquent and criminal behaviour is depicted with stark clarity. A recurrent scenario in the films of this era depicts an essentially -and sometimes emphatically- law-abiding female character as being drawn to the offender's thrilling lifestyle. For example, in *The Wild One*, the sheriff's daughter, bored by her small-town life, becomes attracted to the leader of the motorcyclist gang. In *East Of Eden*, Abra (Julie Harris) is barely able to conceal her fascination with the "scary" nature of her boyfriend's brother[136]. There is an obvious self-contradiction between the continuing adherence of these films to positivist notions of delinquency[137] and their simultaneous admission that everyone, even well-adjusted, law-abiding individuals, can be susceptible to its attractions[138].

d.) Race

In the United States, the subject of race relations rose to prominence during the 1950s, as a series of judicial decisions, commencing with the Supreme Court ruling in *Brown v. Board of Education of Topeka, Kansas*[139],

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[136] See also the psychiatrist's wife in *The Sleeping Tiger*, (see above, p.14); the offender's girlfriend in *A Bout De Souffle (1960, Fr., J.L.Godard)*; and, to a lesser degree (since she has already adopted deviant behaviour), Judy (Natalie Wood), in *Rebel Without A Cause*. This scenario is replicated in *Cry-Baby*, a 1990s parody of 1950s juvenile delinquency films.

[137] Only in one of the films examined from that era is criminality not viewed as a symptom of underlying pathology, in *A Bout De Souffle*. Significantly, however, this film became sufficiently popular to be included in this study, only after its re-release in the 1980s, following a then recent Hollywood remake. (See below, ch. IV).

[138] A complete reversal of the scenario outlined above is encountered in *On The Waterfront*: a film that, as mentioned above, predates the arrival of modern youth culture. In this film, the male protagonist, through his romantic association with a female character, forsakes his criminal way of life. Terry progressively withdraws from his participation in the illegal scabs of the local longshoremen's union, as he becomes romantically involved with Edie, the sister of an employee murdered by the union leaders. Terry gradually comes to adhere to Edie's denunciatory view of the union leaders' activities.

[139] 347 U.S. 483 (1954).

challenged the Jim Crow system of racial segregation still practised in the South[140]. Additionally, the Civil Rights Acts of 1957 and 1960 sought to safeguard the exercise of the African-Americans' voting rights[141]. At the same time, and in spite of these advances in civil rights, it was perceived that the majority of African-Americans lived under dire financial circumstances[142]; and that as a group, they contributed disproportionately to the national crime rate[143]. The latter was variously attributed to the anomic climate of racially mixed neighbourhoods[144]; or to the African-Americans' differential association with definitions that favoured the violation of the criminal law[145]. However, a direct association between race and crime was not forged at this time.

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[140] In *Brown*, the existence of high-schools segregated on race was ruled as unconstitutional. The state of Arkansas defied this ruling. In September 1957, President Eisenhower ordered the state's guardsmen to submit to federal authority and sent army troops to the state, in order to enforce the law. On the subject of civil rights, Rosa Parks' refusal to give up her seat in the "whites only" area of a public bus in December 1955 should also be mentioned. Five years later, in December 1960, in *Boynton v. Virginia* 364 U.S. 454 (1960), race segregation in interstate buses, trains and terminals, was declared illegal by the Supreme Court. On the 1st February, 1960, four young African-American students of the North Carolina Agricultural and Technical College declined to give up their seats in the segregated lunch counter area of the local Woolworth's. By April 1960, sit-ins had spread to seventy-eight different southern communities. cf. Marable, Manning *Race Reform and Rebellion: The Second Reconstruction in Black America 1945-1990 (2nd Edition)* London: Macmillan 1991, pp.40-62; Boyer *et al.*, *op.cit.*, p.657.

[141] The Civil Rights Act 1957 granted federal judges the authority to arrest state and local officials who impeded African-Americans from voting. It also established a permanent commission on civil rights with wide investigating powers. The 1960 Act granted federal judges the authority to elect "referees" who could bypass the local registrars and register African-American votes. Furthermore, federal sanctions and penalties were introduced for those who disrupted the orderly process of voting and desegregation. *Ibid.*, p. 639; Marable, *op.cit.*, pp.40-54

[142] By 1960, 55.9% of the non-Caucasian American population lived below the poverty level. *Ibid.*; Farber, *op.cit.*, p.10.

[143] cf. Fyvel, op.cit., p.260-2; Lander, op.cit., pp.81-83; Sutherland, E.A. and Cressey, P.R., *Principles Of Criminology* (Sixth Edition) Chicago: J. B. Lippicott 1960, pp.74-75.

[144] Lander observed that African-American crime rates tended to be higher in neighbourhoods where the African-American population fell below 50%. As the African-American population of a neighbourhood increased over this percentage, the correspondent crime rates diminished. He concluded that the high crime rates of racially mixed neighbourhoods were a reflection of the social instability that characterised them: Lander, *op.cit.*, pp.81-3.

[145] Sutherland and Cressey's theory of "differential association" applies to citizens of all races. They contended that criminal behaviour is learned in interactions with others on an interpersonal level. A person is likely to become delinquent when, through his associations, he is exposed to an excess of definitions that are favourable towards the violation of the criminal law. Cf. Sutherland and Cressey, *op.cit.*

In Britain, there was concern over the massive influx of primary and secondary Commonwealth immigrants during this period[146]. However, anxiety mostly focussed on the effect this influx was considered to have on the British national character[147]. Resentment over the supposed preferential treatment the immigrants received in matters of housing and over what were perceived as their licentious *mores* was also recorded during this era[148]. However, immigration was not yet widely linked to the rising crime rates, though, in Parliament, Conservative backbenchers championing repatriation gradually began to raise concern over this issue as well[149].

The subject of race is ignored in the films released in the period under examination, with a single exception. In *Blackboard Jungle*, the delinquent class that Dadier is assigned to is racially mixed. The *de facto* leader of the class, Artie West, is Caucasian; the film, however, equally focuses on a gifted African-American student, Miller (Sidney Poitier). In a conversation with Dadier, Miller concedes that he lacks the motivation to realise his full educational potential. It is intimated that this is partly because his career opportunities, in view of his racial origins, are decidedly limited. In all other films of the 1950s examined in this study, the offenders, their victims, as well as the criminal justice personnel, are all white.

e.) Gender

The aforementioned popularity of family-oriented theories of crime and delinquency during this era impinged upon the issue of gender relations. It has been repeatedly asserted that Bowlby's "*maternal deprivation*" thesis was an unsubtle attempt to persuade women, employed during the Second World

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[146] The number of non-Caucasian immigrants in Britain swelled from 75,000 in 1951 to 337,000 in 1961: Shaggar, S. *Race and Politics in Britain* London: Harvester Wheatsheaf 1992, pp.66-7.

[147] Cf. Solomos, J. *Race and Racism in Britain* (Second Edition) London: Macmillan Press 1993, p.16.

[148] *Ibid.*, p.60-1. This climate of resentment led to the 1958 riots in Notting Hill and Nottingham, where Commonwealth immigrants were subjected to violent attacks by native English youth. The "Teddy-Boys" played a leading part in these attacks: Fyvel, *op.cit.*, p.19; Popkess, C.A. *The Racial Disturbances in Nottingham* Crim. L. R. [1960] 673.

[149] Sir Cyril Osborne and Enoch Powell among them: cf. Shaggar, *op.cit.*, pp.66-7; Gilroy, P. *There Ain't No Black in the Union Jack* London: Hutchinson 1987, pp.79-81.

War and generally desiring to continue working[150], to return to their homes and devote themselves to the upbringing of their children[151].

In view of the fact that males committed the majority of criminal offences, the subject of female criminality did not especially interest criminologists during this era. Indeed, due to the sparseness of writings on female offenders, a study by Pollak published in the dawn of the decade, assumed, in spite of its scientific dubiousness, authoritative status[152]. Pollak claimed that the difference between the crime rates of men and women could be accounted for in various ways. Offences committed by women tended to be under-reported to the authorities; there was a certain degree of misplaced chivalry on the part of criminal justice staff that allowed women to remain unpunished; and that criminal offences, such as rape, could by definition only be perpetrated by men. More contentiously, he asserted that women, inherently deceitful and cunning, were capable of manipulating men into committing a crime that furthered their own ends[153].

In other research published during this era, female offending is explained in the same terms as male crime: as an expression of maladjustment engendered by the child's faulty upbringing[154]. However, female deviance is perceived to manifest itself differently to male delinquency: whereas the latter takes many forms, the former usually consists of promiscuous behaviour[155].

The subject of female crime is also ignored in the films released during this period. Most frequently, female characters simply provide the criminal

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[150] Four-fifths of American women employed during the war, following the men's absence wished to continue working after its end: Watkins, S.A., Rueda, M., and Rodrigues, M. Introducing Feminism Cambridge: Icon Books 1999, p.97.

[151] *Ibid.*; Rowbotham, S. *A Century of Women: The History of Women in Britain and the United States* London: Penguin Books 1999, p.293. See also Fyvel, *op.cit.*, pp.194-223: His argument that the increasing participation of women in the labour force demeaned their husbands, as it robbed them of their status as sole economic providers for the family, is revealing of the attitudes of the era towards working women. Fyvel also contends that the rising delinquency rates can be attributed to the children's deprivation of their mother.

[152] Morrison, W. *Theoretical Criminology: from Modernity to Post-Modernism* London: Cavendish Publishing Limited 1995, pp. 390-4.

[153] cf. Pollak, O. *The Criminality of Women* London: Barnes 1950

[154] The British Medical Association *Appendix to the Report of the Joint Committee on Psychiatry and the Law: The Unstable Adolescent Girl* London: BMA 1951

[155] *Ibid.*; see also Fyvel, *op.cit.*, pp.135-6, where he asserts that a delinquent girl is in danger of drifting into prostitution.

and delinquent hero with a romantic interest. It needs to be repeated here, however, that, in many films, previously law-abiding women are portrayed as susceptible to the attractions of transgressing behaviour[156]. In the few instances that a female offender is encountered, it is intimated that her deviant behaviour consists of promiscuity. This is what Judy's aberrance is suggested to be in *Rebel Without A Cause*. In the first scene of the film, she is arrested for breaking curfew, while wearing a perceptible amount of lipstick[157]. On the other hand, Pollak's conception of criminal women manipulating their male associates is not encountered in the films of this period.

f.) Conclusion

The most significant finding from the research into the 1950s has to be the *intimation* of a *plurality of value systems*. The films and, to a lesser extent, the sociological and criminological writings, acknowledge the existence of a different set of ideals in Western societies, quite apart from honest work and deferred gratification. It is revealed that values such as spontaneity and self-expression are also being cherished; these values endow certain forms of transgressing behaviour with considerable appeal. This plurality of normative systems would become even more apparent during the next decade.

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[156] See above, Ch.I, **c.)**.

[157] The accentuated sexuality of the single female member of the motorcyclist gang briefly pictured in *The Wild One* also needs to be noted.

Chapter II: 1961-1970

The challenge by the young generation to the dominant values of liberal capitalist societies, which had been initiated during the 1950s, gained considerable momentum during the 1960s. Indeed, this decade is indelibly linked in public memory with the emergence of the counterculture, in both its political (the student movement, antiwar protest) and expressive manifestations (the hippies, "psychedelic" rock music)[158]. In section **a.)**, it will be seen how the climate of political dissent affected cinematic representations of the causes of crime. In the films discussed under this section, crime is viewed as an act of political revolt, justified in juxtaposition to the iniquities of the capitalist political system it seeks to overthrow. Labelling theory, put forward during the same period in sociological circles, also questioned whether deviant acts were by absolute criteria evil or injurious. It was rather argued that an act was labelled as deviant in a relatively arbitrary manner, when powerful interests in society succeeded in imposing their own definitions of deviance.

In section **b.)**, it will be discussed how crime is explained in certain films in relation to the opportunities it offers to the offender for self-expression and for participation in exciting experiences. During the 1960s, criminologists also displayed a growing awareness of the inherently exciting nature of offending behaviour. As has been seen, an attempt to explain crime by reference to the opportunities it offers for an intense, stimulating life had already been encountered in the films of the 1950s[159]. The difference is that in certain films of the 1960s, this attempt is no longer combined with other, negative rationalisations of the offender's behaviour, such as his dysfunctional family environment.

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[158] There was a degree of overlap between the two wings of the counterculture, both in terms of manpower and ideology. Cf. Howard, G. (ed.) *The Sixties: Art, Politics and Media of Our Most Explosive Decade* New York: Paragon House 1991, Editor's Introduction, pp.6-39. Relations between the representatives of the two strands were also known to be strained, however, particularly in Britain. When, F. *The Sixties: A Fresh Look at the Decade of Change* London: Century Publishing 1982, p.45.

[159] See above, ch.I, **c.)**.

In section **c.)**, it will be shown that the endeavour to explain criminal behaviour by reference to an unwholesome family environment, so widely subscribed to in the previous decade, has not been wholly abandoned in the films of this period. Furthermore, this theorisation of the causes of criminal behaviour is shown as still underlying the policies on young offenders pursued in Britain during this period. In the same section, it will be shown that partly because of the expanding influence of radical politics, the issue of persistent gross poverty in an age of affluence is also highlighted as an important causative factor in both the films and the sociological writings of the era.

In section **d.)**, it is illustrated that the issue of race relations grows into prominence during this period, yet any association between the membership of a racial minority and participation in illegal behaviour is not forged, in either the films or the criminological works of the period. Finally, in section **e.)**, it will be shown that criminologists still explained female crime during this period along the lines of psychopathology or Pollak's "manipulation" thesis, in spite of the advent of the labelling perspective. At least in one film, the psychopathological approach towards female offending is replicated; in general, cinematic representations of female offending continue to be rare.

a.) Crime as a Political Act

The political wing of the counterculture was primarily expressed through the confrontational practices of the student movement in the United States, France, and, to a lesser degree, Britain, during this era[160]. It grew out

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[160] The agenda of student activism is considered to have been written in the Port Huron Manifesto that was adopted by sixty University of Michigan students in April 1962. This called for the replacement of "*power rooted in possessions, privilege or circumstances*" with that of "*power rooted in love, reflectiveness, reason and creativity*": Boyer *et al.*, *op.cit.*, p.680. In the U.S., from 1964 onwards, protests and violent confrontations took place in many university campuses, particularly at Berkeley, San Francisco State and Harvard. Protest was usually directed against American participation in the Vietnam War, but the strife over civil rights also penetrated university environments: see below, **d.)**. The most significant confrontation occurred during the National Convention of the Democratic Party in August 1968, when protesters engaged in full-scale battles with the police. The leaders of the protest were subsequently convicted of conspiracy charges. Gitlin, *op.cit.*, p.342. A series of massively attended antiwar demonstrations culminated in the March Against Death in Washington, D.C., that took place in November 1969. Cf. Boyer *et al.*, p.681. In France, street warfare between students, workers and the police during May 1968 led to the state being declared under siege and, eventually, to President De Gaulle's resignation. In Britain, the student movement has been described as a pale imitation of its French and American

of the disillusionment many young people felt with the failure of liberal, capitalist society to act on its own high ideals[161]. This failure was primarily evidenced in the persistence of racial[162] and social[163] inequality, in the face of ongoing affluence. In the radicals' view, it was further confirmed by escalating American involvement in the Vietnam War[164]. The confrontations expressed the reluctance, on the part of the young, to surrender political, decision-making power to an older generation perceived as dishonest and inefficient[165].

The student movement propagated the use of direct, participatory democracy[166]. It received its theoretical inspiration from the lesser-known early works of Karl Marx and writings from his contemporary disciples such as Gramsci and Althusser. These concentrated less on economic determinism and more on the concept of labour alienation that was presented as an

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counterparts. The sit-ins that took place at the London School of Economics in January and February 1969, at the university of Bristol in December 1968, as well as in other universities passed, as Marwick details, remarkably uneventfully. The students were prepared to cease their protests in return for minimal concessions to student participation in university regulations: Marwick, *op.cit.*, pp.151, 172. However, the British courts were prepared to come down heavily on student activists who crossed the border of legality. In *R. v Caird, Lagden and Others* [1970] Crim. L. R. 171, the Court of Criminal Appeal upheld the appellants' convictions on charges of riotous and unlawful assembly. The defendants were part of a large number of students who threw rocks at guests at a dinner in aid of Greek tourism. Their protest was directed against the military dictatorship in Greece. Two people were seriously injured and damage of GBP 2,000 was caused. The Court declared itself unconcerned whether "wanton and vicious violence" sprang from gang rivalry or political motives; the appelants would be subjected to the normal range of sentences handed out for this type of offences. The Court even argued that anyone who participated, either by deed or encouragement, in a disturbance of public peace ought to be treated as guilty of the gravest offence caused by this disturbance. (See also below, Ch. III, **a.**)). See also *R. v Farr and Brown* [1970] Crim. L. R. 657, where two first year university students who lighted a petrol bomb outside a bank in the university precincts during South Africa Protest Week were convicted of conspiring to commit malicious damage.

[161] Gitlin, *op.cit.*, p.256.

[162] See below, Ch.II, **d.**).

[163] See below, Ch.II, **c.**).

[164] The Vietnam War was received by US radicals as proof of the imperialist, counterrevolutionary status of their country. Moreover, the succession of false statements on the war made by United States government officials called their credibility and legitimacy into question: cf. Tipton, S.M. *Getting Saved from the Sixties: Moral Meaning in Conversion and Cultural Change* Los Angeles: University of California Press 1982, pp.28-9. Demonstrations against the Vietnam War -and its support by the British government- also took place in Britain, the most notable among those in Grosvenor Square in March 1968: Hewison, R. *Too Much: Art and Society in the Sixties 1960-1976* London: Methuen 1986, p.160.

[165] Tipton, *op.cit.*, pp.27-29.

[166] Aronowicz, S. *When the Left Was New* in Sayres, S., Stephenson, A., Aronowitz, S., and Jameson, F. (eds.) *The Sixties without Apology* Minneapolis: University of Minnesota in Cooperation With Social Text 1984, pp.11-43.

inevitable condition of modern industrial society[167]. This concept appeared to mirror the discontent felt by the young generation. The student movement reached its peak in 1968, yet by the end of the decade it had, for a variety of reasons, lost a significant part of its cohesion[168].

In the field of theoretical criminology, the ambivalence on moral values hinted at in the works of the previous decade was now expressly acknowledged by Matza's theory of "*subterrenean convergence*"[169]. Matza contested the idea of an unchallenged moral order in American society, allegedly based on the Puritan ethic. He noted the resemblance between subcultural delinquent norms and themes that had already penetrated the dominant culture of Western societies, particularly through the "fantasy" forms of popular entertainment[170].

Additionally, Matza disputed the validity of positivist theories of criminality, whose view of a determined, pathological offender, he contended, clashed with evidence that criminal offenders behaved, for the most part of their lives, in a law-abiding fashion. He put forward an alternative theory of the offender's drift towards criminality, which was claimed to occur whenever the latter's moral bond with society was loosened[171]. At the same time, he stressed that behind all delinquent infractions, lay the -acceptedly limited by context- *will* of the offender. Matza described human will as an option, which may or may not be exercised[172].

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[167] Marwick, *op.cit.* p.121.

[168] cf. Gitlin, op.cit., p. 405-415. He argues that diverse events, such as the murders committed by the hippie-affiliated Manson gang on 9th August 1969, the murder of a fan in the hands of the Hell's Angels during a Rolling Stones concert in Altamont on 6th December 1969, or the intractable behaviour of the defendants tried for the 1968 Chicago disturbances (see above, fn. 160), had called into question the benevolent promise of the counterculture and alienated the majority of the population. (See also Ch. III, **a.**).). Gitlin also claims that the mood of national pragmatism in the United States, towards the end of the decade, demanded that the war be liquidated as a bad mistake: the climate had turned against the radicals' portrayal of it as an horrendous crime. The waning of the draft had already deprived many young people from their main motivation for protesting on this issue. Finally, Gitlin argues that the emotionally and financially draining criminal prosecutions against the leaders of confrontations, the fear of governmental violence, -reinforced by events such as the shooting of Kent State students by the American National Guard on the 4th of May, 1970- and the wide use of surveillance methods by the government, also played a significant part in demoralizing the student movement.

[169] Matza, *op.cit.*, pp.62-4.

[170] *Ibid.*

[171] *Ibid.*, p.21-29.

[172] *Ibid.*, p.184-89.

All of these themes were carried further by the "labelling" movement, which emerged on the American sociological scene during this decade[173]. It should be stressed at this point that the emergence of this movement preceded that of the counterculture. Furthermore, labelling theory, unlike the student movement, was not avowedly Marxist in its perspective on society[174]. Nonetheless, the pluralist view of society put forward by labelling theory sanctions the challenge to established modes of thinking carried out by the counterculture. Additionally, it concurs with protests made by radicals in the 1960s that political power was concentrated in the hands of the few, repressing the many.

Labelling theory looked beyond the aetiology of crime to the underlying processes operating behind the classification of certain acts -and the individuals who committed them- as "deviant". Sociologists such as Becker and Erikson noted that deviance was not an inherent characteristic of particular acts, but a social construct, which differed temporally and spatially. Both the formation of the rules, according to which deviance was assessed, and their eventual enforcement, depended on the initiative undertaken by a moral entrepreneur who worked towards these ends[175]. It was taken for granted that this enterprise was generated by personal interest. It was also observed that its ultimate success rested on the differential power possessed by various groups in society to get their definition of deviance accepted, as well as on the correspondent variance between individuals or groups to resist alternative definitions and the application of the deviant label[176].

For labelling theorists, the notion of deviance could be distilled down to this application of the "deviant" or "outsider" label to the offending

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[173] The emergence of the labelling (alternatively, "deviance") theory has been linked to the general rise of interest in the topic of sociology during this era: cf. James, A. and Raine, J. *The New Politics of Criminal Justice* London: Longman 1998, p.11.

[174] Marxist conflict criminology would not grow into full flourish till the 1970s: see below, ch.III.

[175] cf. Becker, H.S. *Outsiders: Studies in the Sociology of Deviance* London: The Free Press 1973, pp.1-11; Erikson, K. *Notes on the Sociology of Deviance* in Becker, H.S.(ed.) *The Other Side: Perspectives on Deviance* London: The Free Press 1964, pp.9-20.

[176] Becker, *op.cit.*, p.128-161; see also Turk, A.T. *Criminality and Legal Order* Chicago: Rand McNally 1969, for a conflict perspective on the same issue.

individuals and the differential treatment the latter consequently received[177]. It was also observed that, once this classification had taken place, it became increasingly difficult for the individuals to detach themselves from the label applied and return to the main body of the society, since they were no longer trusted to abide by the norms encoded in the criminal law[178]. The social position of labelled individuals was found to play a significant part in alleviating or aggravating the stigma of sanctions applied[179].

Even institutions ostensibly built for the purpose of rehabilitating deviants, were reinterpreted as devices that served to perpetuate the label instead. In particular, it was observed that criminal offenders, after completing their sentences, returned to society without a proper licence to resume a normal life in the community[180]. The outcome of the labelling process was thus to confirm the individuals' self-perception of their status as deviants as well as to reinforce their segregation from law-abiding members of society. Hence, the process itself became an independent contributor towards the labelled individuals' continued commission of deviant acts. This sequential model of deviance, termed as "*secondary deviation*", was the central contribution of labelling theory to the aetiological question of crime[181].

Rooted in the American pragmatist philosophical tradition, labelling theory declared its faith in the creative rationality of human action and its

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[177]Kitsuse, J. *Societal Reaction to Deviant Behaviour: Problems of Theory and Method* in Becker (ed.), *op.cit.*, pp.93-103.

[178]Becker, *op.cit.*, p.31-34.

[179] Schwartz and Skolnick discovered significant variations between the stigma attached to unskilled workers in possession of a court record and doctors charged with medical malpractice: the latters' employment opportunities were minimally affected, whereas the former encountered difficulties in regaining employment, even when acquitted. Schwartz and Skolnick: *Two Studies of Legal Stigma* in Becker (ed.), *op.cit.*, pp.104-115.

[180] Erikson, *op.cit.*, p.15.

[181] Labelling theorists argued that the initial offending act -"primary deviation"- by itself entailed only marginal implications on the status and psychic structure of the offender. The attachment of the "deviant" label, however, resulted in the stigmatisation and social segregation of the offender. The latter frequently responded to these by his conscious adoption of a deviant identity and, consequently, the repeated perpetration of offending acts. Labelling theorists stressed that this response -"secondary deviation" was *rational*. Cf. Lemert, E.W. *Human Deviance, Social Problems and Social Control* New Jersey: Prentice Hall Inc.1967, pp.40-55; Becker, *op.cit.*, pp.34-91. In Britain, Wilkins put forward a similar theory of "deviancy amplification", focusing on the effects the labelling process had on the self-definition of the deviant: cf. Wilkins, L.T. *The Deviance-Amplifying System* in Carson, W.G., and Wiles, P. (eds.), *Crime and Delinquency in Britain* London: Martin Robertson and Co. 1971, pp.219-26.

dislike of deterministic positivist explanations of human behaviour[182]. At any rate, under the assumptions of labelling theory, much of the positivist emphasis on the offender's personal characteristics in the search for the causes of criminal behaviour was evidently misplaced, since it sought to link biological and psychological deficiencies with an essentially social construct, crime. According to labelling theory, deviance was rather to be explained in terms of an active, rational, albeit contextually limited, choice on the part of the offender[183].

In this respect, labelling theory had a lot in common with the other major criminological theory to emerge during this era, Travis Hirschi's "*control*" theory. Hirschi refused to attribute delinquent behaviour to the offender's pathological abnormality. Concurring with labelling theorists that probably everyone possessed deviant impulses[184], Hirschi reversed the question of aetiology and claimed that criminology should seek to explain *conformity*, rather than deviance: why individuals desisted from acting upon these impulses. Hirschi claimed that they did so out of fear that their bonds with conventional society would otherwise be broken[185]. Again, this is an idea also encountered in labelling theory. Becker claimed that many people possessed deviant impulses, yet refrained from following them through due to their commitment to conventional institutions and behaviour. Also, the essence of the concept of "*secondary deviation*" lay in the increasing segregation of the deviant individual from conventional society. The resemblance between the presumptions underlying the labelling and control theories is striking, especially since these originate from a different political standpoint; unlike the former, control theory does not seek to challenge the status quo. Indeed, Hirschi's conception of an essentially immoral man can be viewed as lending his theory a distinct conservative flavour.

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[182] Stenson, K. and Brearly, N. *Left Realism in Criminology and the Return to Consensus Theory* in Reiner, R. and Cross, M. (eds.) *Beyond Law and Order: Criminal Justice Policy and Politics into the 1990s* London: Macmillan 1991, p.234

[183] As mentioned above, secondary deviation was viewed as a *rational* effort by the deviant to deal with identity problems the labelling process had caused. See above, fn. 181.

[184] During the same era, Matza also agreed that, at least in fantasy, everyone was deviant: cf. Matza (1969), *op.cit.*, p.68.

[185] Hirschi described the elements of this bond as fourfold: the individual's *attachment* to other persons, his *commitment* to conventional lines of action, his *involvement* in conventional behaviour, and his *belief* in conventional cultural codes. cf. Hirschi, T. *Causes of Delinquency* Berkeley: University of California Press 1969.

Returning to the analysis in the first chapter of this thesis, it is observed that the "modernist" assumption of the "narrow conduit of causality" - the *determined* deviant versus the *rational*, conforming citizen- is refuted by these later theories. In the search for the causes of crime, the positivist insistence on uncovering the *pathology* of the offender is substituted during this era by a strong emphasis on the reasoned *choices* underlying criminal actions. Criminologists turned their attention away from discovering the root of the forces propelling individuals towards deviance and focused, instead, on investigating the situations in which a deviant adaptation confronts the individual as a *rational* solution.

Furthermore, labelling theory, in particular, calls into question the veracity of the stated intention of the modernist project to incorporate the deviant back into full citizenship. Efforts to rehabilitate offenders are discovered to be working in exactly the opposite direction. It also disputes the existence of an unchallenged social and moral order by treating the criminal law as the result of a power struggle between competing groups with antithetical interests- a theme that would be further developed by Marxist conflict criminologists during the next decade[186].

Perhaps unsurprisingly, the ideology of the radical wing of the counterculture minimally affected the content of official criminal justice policies. However, awareness of the arguments made by labelling theorists against the potentially deleterious effects of stigmatisation is evidenced in the United States government's ethical and financial support for diversionary programmes of juvenile control during this era[187]. The most radical measure of diversion was to be found in the state of Massachusetts, where under the initiative of Dr. Jerome Miller, from 1970 and onwards, all state training

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[186] Indeed, radical Marxist criminologists criticised labelling theorists for their failure to make explicit the relationship between the class struggle, the formation of legal rules and the classification of deviants. In his revised 1973 edition of *Outsiders*, Becker would answer this criticism, stating that he never questioned that one of the most effective ways for superordinate groups to maintain the current hierarchy was to control how people define the world, and what constitutes deviance in it: Becker, *op.cit.*, pp.179-204.

[187] The 1967 President's Commission For Law Enforcement And Delinquency declared its support for community programmes that would provide special, intensive treatment and work as an alternative to the institutionalisation of juvenile offenders, which would now be employed only as a last resort. Sarny, R. *Paradigms and Pitfalls in Juvenile Justice Diversion* in Morris, A. and Giller, H. (eds.) *Providing Criminal Justice for Children* London: Edward Arnold 1983, p.52

schools were closed and delinquent offenders were relocated to state-funded, privately managed, community-based facilities[188].

In Britain, the 1969 Children and Young Persons Act also sought to ensure that young offenders would be handled outside of the criminal justice system. The trend towards increasing use of diversion policies had already begun with the introduction of the 1963 Children and Young Persons Act. Section 1 required local authorities to make available advice and guidance that would diminish the need for juveniles to be sent to the juvenile court. Subsequently, the 1965 White Paper *"The Child, The Family and The Young Offender"*[189] called for the substitution of the juvenile court by a less stigmatising variant, the *family* court. Furthermore, it recommended the wholesale removal of youths under sixteen from the ambit of the criminal justice system, in favour of care proceedings within a civil justice framework. Use of the criminal courts was also to be avoided for offenders as old as 21 with the proposed introduction of *young offenders' courts.*

The 1968 White Paper, "*Children In Trouble*"[190], recommended that effective support for juvenile offenders be given on an informal basis, by social workers outside of the juvenile court. Such was the wariness against potential stigmatisation in this document, which formed the basis of the 1969 CYPA, that informal social worker assistance was preferred to the family councils proposed in its 1965 counterpart. The 1968 White Paper, and the ensuing 1969 Children and Young Persons Act, also sought to reduce the possibility of court proceedings for juveniles as much as possible. For the 10-14 age group, criminal proceedings would only be allowed for the protection of the public or for the sake of the child. In all other instances, the commission of a criminal offence would be considered only as one of the conditions, which, coupled with the absence of parental care, protection and guidance, would establish the child as being in need of care, protection and

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[188] Three decades from the beginning of this initiative, Massachusetts still boasted a relatively low rate of juveniles being received in public facilities. However, it is uncertain whether the social isolation and mistreatment of juvenile offenders have been reduced as a result of their relocation. Lundman, *op.cit.*, p.196; Miller, J.B., *Last One over the Wall: The Massachusetts Experiment in Closing Reform Schools* Columbus: Ohio State University Press 1991.

[189] Home Office, *The Child, The Family and the Young Offender* London: H.M.S.O. 1965

[190] Home Office, *Children In Trouble* London: H.M.S.O. 1968

control[191]. For the 14-17 age group, prosecution would only be possible after a summons or a warrant by a juvenile court magistrate was issued. The magistrate in question would also be required to consult with the police and the local authority children's department before commencing such action.

Nonetheless, it should be stressed that these diversionary policies were conducted with a strictly rehabilitative purpose in mind[192]. Labelling theory was wary of the rehabilitative ethos, as the informal care administered by experts often transpired to be another insidious form of state coercion and a potential source of equally harmful stigmatisation[193]. It can be thus argued that the Children and Young Persons Act 1969 combined in practice elements of two intellectually conflicting theories[194].

Traces of the criticisms made by labelling theory, as well as the influence of contemporary sensitivity to civil rights, can be found in the gradual emergence of the "*justice*" movement in the United States. The "justice" movement advocated that the juvenile court should grant its clients equal rights of due process with those accorded to adult criminal defendants[195]. Its emergence is usually linked with the Supreme Court decisions in *Morris A Kent v. US*[196] and *Re Applic Of Paul L Gault*[197]. Both rulings expressed judicial discontent with the divergence between the declared benevolent intentions of the juvenile court and its actual punitive effects. It was insisted that the governing philosophy of the juvenile court,

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[191] S.1(2)

[192] See below, Ch.II, **c.)**

[193] Harris and Webb, *op.cit.*, pp. 22-4. Sentences passed by criminal courts in the "best interests" of juvenile defendants often proved unfairly harsh: see, for example, *R. v Scott [1969] Crim. L.R. 156*, where the defendant was sentenced to Borstal training for stealing a pint of milk. The defendant had a history of three similar offences.

[194] In relation to the rehabilitative measures introduced by the CYPA 1969, see also below, **c.)**.

[195] During this period, the United States Supreme Court also exhibited an interest in protecting the due process rights of criminal suspects during police interrogations: see *Escobedo v. Illinois* 378 U.S. 478 (1964) and *Miranda v. Arizona* 384 U.S. 436 (1966). These decisions safeguarded the criminal suspect's right to consult with his counsel and to be warned of his constitutional right to keep silent.

[196] 383 U.S. 541 (1966). The Supreme Court ruled in this case that the juvenile defendant had been denied his due process rights: he was entitled to a hearing over the waiver of his case to the criminal court. The hearing itself should have been conducted according to the rules of due process. This decision applied only to the District of Columbia, yet its significance cannot be underestimated: being the first juvenile case ever heard by the Supreme Court, it signalled the Court's intentions to apply constitutional protections to juvenile defendants. Bernard, T.J. *The Cycle of Juvenile Justice* New York: Oxford University Press, pp.109-134.

the provision of care in the best interest of the defendant, should not preclude the latter from enjoying the protection of constitutional due process rights. Hence, in *Re Gault,* the juvenile defendants' rights to counsel, timely, adequate and written notice, witness examination, as well as their privilege against self-incrimination, were recognised[198]. Also, in *Re Winship*[199], it was held that the standard of conviction "beyond a reasonable doubt" applied to juveniles as well as adults[200]. British concern on this issue would not be voiced until the next decade[201]. Significantly, in view of the purposes of this chapter, one of the central tenets of the "justice" theory was that the logic of rehabilitative practices, with its presumption of *determined* offenders, demeaned the juveniles in question, as it treated them as objects with no choice over their actions[202].

Before moving on to an analysis of the 1960s films, it should be pointed out that, in comparison with the films of the previous decade, the depiction of crime in the 1960s films differs in two significant respects. Firstly, in the significant majority of the 1960s films examined, the young offenders are technically *adults*, aged well into their twenties. In part, this can be attributed to the fact that the challenge to established modes of thinking and behaviour was no longer seen in the 1960s as emanating from the rebellious *mores* and practices of adolescents, as happened in the previous decade[203]. Attention was rather drawn towards the older generation that staffed both the political and the expressive wings of this counterculture. This development can be accounted for by larger social developments. Keniston claims that a new, "*post-adolescent*" stage of youth was made available by the dawn of a post-industrial society during this decade. Through academic achievement,

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[197] 387 U.S. 1 (1967).

[198] In *Re Gault*, a 15-year old boy was committed to a State Industrial School for making obscene remarks. This indeterminate sentence could last as long as six years, while an adult convicted of the same offence would not spend more than two months in custody. The Court ruled that, in adjudication hearings that might result into a custodial sentence, juvenile defendants had a right to adequate, written and timely notice, right to confront and cross-examine witnesses and enjoyed the privilege against self-incrimination. The sentence was quashed.

[199] 397 U.S. 358 (1970).

[200] Bernard, *op.cit.*.

[201] See below, ch. III.

[202] Harris and Webb, *op.cit.*, pp.26-7.

middle-class youth became increasingly capable of postponing entry into productive employment until late in their twenties. Fully adult in terms of social and sexual maturation, but not subjected yet to the discipline of a work-a-day world, they enjoyed unprecedented opportunities for social experimentation and political activism[204].

The obvious exceptions to the predominance of youthful *adult* offenders in the films of the 1960s are *To Sir with Love*[205] and *West Side Story*[206]. Not incidentally, both of these films are among the least representative of their era. The former is a British reprisal to the *Blackboard Jungle* theme: it depicts a black teacher's gradual triumph over his rowdy East End students' mistrust. The latter film is based on a 1950s stage musical, itself a modernised version of Shakespeare's *Romeo And Juliet*[207].

Secondly, and partly as a result, the infractions that the 1960s offenders commit are of a more serious and violent nature than those depicted in the films of the 1950s. Robbery[208] and murder[209] predominate; the relatively innocuous status offences that caused so much parental and authority alarm in *Rebel Without A Cause* are only encountered in the form of student ill-discipline in *To Sir With Love.*

The ideas of the radical political wing of the counterculture are expressed most eloquently in *Bonnie and Clyde*[210]. In this film, Bonnie Parker (Faye Dunaway) and Clyde Barrow (Warren Beatty) engage in a robbery spree across the Depression-era United States. It is repeatedly stressed that the robbing heroes' actions serve more faithfully the interests of

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[203] See above, ch. I.

[204] Keniston, K, *Young Radicals: Notes on Committed Youth* New York 1968; Gillis, J.R. *Youth and History: Tradition and Change in European Age Relations: 1770- Present* New York: Academic Press 1974, pp.206-8.

[205] *(1966, G.B., J.Clavell)*

[206] *(1962, U.S., R.Wise/ J.Robbins).*

[207] Juvenile offenders are also encountered in *Wild In The Country (1961, U.S., P. Dunne)* and *The Loneliness Of The Long Distance Runner (1962, G.B., T.Richardson)*; significantly, both of these films were produced in the very early years of the decade.

[208] e.g. see *Bonnie and Clyde, Midnight Cowboy, Poor Cow.*

[209] e.g. see *The Collector, If....*

[210] *(1967, U.S., A. Penn)* According to Quart and Auster, the robbers' direct attack on the establishment in this film exerted a powerful attraction on young audiences who felt cut off from the channels of power. Quart and Auster also interpret the bikers' murder in the end of *Easy Rider (1969, U.S., D.Hopper)* as a reminder to audiences of the destiny awaiting individuals whose dissent threatened the established power structure. cf. Quart, L. and Auster, A. *American Film and Society since 1945* (2nd Ed.) New York: Praeger 1991, pp.87-99.

the populace than do those of the authorities striving to impose punishment[211]; regular folk, who come to idolise the robbing couple, even impede the criminals' apprehension by the authorities at one point. In the view of this film, which was criticised at the time for its glamorous portrayal of crime[212], the legal system, the financial system, and even the press, are mere components of a capitalist superstructure, that is antithetical to the true interest of the people. Popular antipathy towards the banking system in Depression-era United States is handsomely illustrated in the scene where Clyde Barrow (Warren Beatty) lends a farmer his gun, so that the latter can shoot at the sign of the bank that repossessed his home. Robbing banks may be the heroes' "*best way [they] can earn money*", but there is a strong *political* undercurrent to their actions as well: "*We rob banks. Ain't nothing wrong with that?*", they assuredly declare at one point. In another scene, they refuse to take the money that belongs to an impoverished customer of the bank they are robbing. Subsequently, the robbers explain to a young couple they meet that they are prepared to be on friendly terms with regular people, as long as they do not represent "*the law*". They also ask the young couple to disbelieve what they read in the newspapers, as "*it's just the law talking*".

Even more explicit is the treatise of Marxist and anarchist ideas portrayed in *If....*[213] In this film, the leading character's symbolic rebellion against the stuffy environment of a British public school is rationalised in fully revolutionary language[214]. At various points in the film, the adolescent protagonist declares that "*violence and revolution are the only pure acts*", that "*one man can change the world with the right bullet in the right place*" and calls for "*death to the oppressor*", "*resistance*" and "*liberation*". The violent and morally corrupt nature of institutional forces is also explicitly depicted. Within the school setting, this assumes the form of corporal punishment, military discipline and homosexual exploitation of younger students by the Whips. A brutal clampdown on the rebellious students who

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[211] At the Hollywood premiere of *Bonnie and Clyde*, a member of the audience, identifying with the negative portrayal of the legal authorities in the film, yelled "*fucking cops*".
[212] Kael, P. *Bonnie and Clyde* in Gerald, *op.cit.*, p.322-42.
[213] *(1968, G.B., L.Anderson)*
[214] It should be remarked here that, in the early 1960s, Lindsay Anderson, the director of the film, was a member of the Committee of 100, a Bertrand Russell-led movement that broke

pose grave "*danger to morale*" is also pictured. In the fantasy sequence of the final scene, the rebellious students engage in open warfare against a gathering of parents, schoolmasters and other figures of the establishment, culminating in the murder of the liberal headmaster who sought to rationalise their rebellion as typical adolescent individualism[215].

It is significant that *If...*'s radical critique occurs in a *contemporary* setting, whereas the narratives of *Bonnie And Clyde* takes place in the Depression-era of the American West. This chronological distance might have made it easier for 1960s audiences to fully empathise with the criminal heroes of the latter film. The robbers were not seen as revolting against a fully formed, modern liberal system of justice. Their conflict was with a legal order seemingly as arbitrary as the Western lawlessness that had immediately preceded it.

Anti-authoritarian sentiments are also expressed in *The Loneliness of the Long-Distance Runner*. Early on in the film, the delinquent protagonist, Colin Smith (Tom Courtenay), who has just been received into a Borstal for robbery, declares his wish to use a "*whiphead*" against the people who he believes are making him suffer. The list includes the police, Members of Parliament, the rich, even the Borstal Governor. A working-class boy, Smith has previously declined the labouring jobs he has been offered: he argues that it is humiliating to work as a slave, while his bosses receive the profits. The film revolves around the preparations for the joint Sports Day the Borstal and a neighbouring public school are holding. The Borstal Governor, who appears to regard the organisation of this Sports Day as his highest achievement and is obsessed with winning the long-distance race, grooms Smith for the race. In a defiant gesture, Smith stops running a few yards before the end of the race and thus forsakes guaranteed victory.

Finally, in *Poor Cow*[216], the protagonists' criminal actions and lifestyle are again depicted in a relatively favourable light. The leading character is a robber's wife who, when her husband is sent to prison, commences a

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away from the CND and was dedicated to the cause of civil disobedience. cf. Masters, B. *The Swinging* 60s London: Constable 1985, pp.206-7.

[215] Marwick describes this scene as "*a futuristic rebellion against the microcosms of British imperial and class rule*". Marwick, *op.cit.*, p.135.

[216] *(1967, G.B., K.Loach)*

relationship with one of his associates. Her narration identifies the robberies as her lover's "*trade*". Accordingly, she thinks of the proceeds of his crimes as "*treats*". She honestly complains when her lover too is taken into custody: "*If you see someone, why should they be taken away from you*?" It is not proposed that, in this film, the robbers are depicted as engaging in covert political warfare: their motives are individualist and their goals purely monetary. However, it should not be overlooked that a radical critique of the social order is also essayed in this film by the robbing husband: "*Everybody's bent, all cops, M.P.'s, they just make laws so that they don't get caught*"[217].

b.) The Expressive Qualities of Criminal Behaviour

The counterculture also attacked the dominant value hierarchy of Western societies, commonly summed up as the Protestant Ethic[218]. The moral precepts adopted by the counterculture emphasised the virtue of self-expression, above all competing considerations, save the limits imposed by such expressiveness on other human beings' potential for the same. Discipline and control, by self or others, were depicted as inhumanly oppressive and leading to resentment and unhealthy possessiveness[219]. There were calls for abolition of every rule that obstructed human happiness and fulfilment that could not be rationalised in terms of preventing serious offence to others[220].

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[217] In *Bonnie And Clyde,* the heroes' motives are also to a certain extent monetary: as stated above, Bonnie and Clyde believe that their robberies are "*the best way [they] can earn money*". However, it should be underlined that the utilitarian aspect of their criminal lifestyle pales into insignificance next to the excitement it offers them (see below, Ch.II, **b.)**); and, as noted above, there is also a manifest political undercurrent in their actions. By way of contrast, films produced in the 1930s and 1940s that dealt with the characters of Clyde Barrow and Bonnie Parker presented them as the creatures of economic ruin: cf. Gitlin, T. *The Whole World Is Watching* Berkeley: University of California Press 1980.

[218]See also above, Ch. I, **c.)**.

[219] In her study of relationship advice columns in popular magazines, Kidd discovered a significant shift of attitudes around the mid-1960s. The columnists no longer sought to impress upon their readers their duty to sacrifice their personal desires for the happiness of their partners, but exhorted them to be "[their] *own self*" and strive for self-fulfilment: cf. Kidd, V. *Happily Ever After and Other Relationship Styles: Advice on Interpersonal Relations in Popular Magazines* in Grampert and Cathcart, *op.cit.*, pp.568-80.

[220] Tipton, *op.cit.*, pp.14-19.

Furthermore, the pursuit of financial and social ascendancy was seen as diverting human beings from the path leading to spiritual enlightenment. The latter was to be encountered in the practice of love, self-awareness and personal intimacy, as well as in the subscription to oriental mystical rites[221]. The expressive wing of the counterculture was vanguarded by the "hippie" subculture. This remains strongly associated with the exercise of a communal, naturalist lifestyle and the consumption of "mind-expanding" drugs[222].

The emergence of this alternative value system has variously been attributed to the boredom and disenchantment of affluent youth, which faced an uncertain future due to the omnipresence of nuclear weaponry[223]. As mentioned above, these sentiments found fertile ground in the increased ability of young people during this era to postpone their entry into work environments[224]. It has also been ascribed to the latent influence of the Beat movement, as well as to the general celebration of youth lifestyles evidenced during the 1960s[225]. One of the dominant cultural features of the decade, the

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[221] *Ibid.*, p.19.

[222] Primarily cannabis and LSD ("acid"). The consumption of illicit stimulants, as well as the participation in casual sexual activity, clashed with one of the basic edicts of the Protestant Ethic: that actions taken solely in the interest of achieving a state of ecstasy should be avoided. Becker, *op.cit.*, p.135. Criminal courts in Britain handled an increasing number of cases that were related to drug consumption. Most celebrated is the case of *R. v Lipman* [1970] 1 Q.B. 152, where the defendant killed his girlfriend while in a state of trance caused by LSD consumption. He was sentenced to six years' imprisonment; the Court of Criminal Appeal refused him leave to appeal against sentence, asserting that it wanted to bring home the grave consequences that could result from drug-taking of this kind. A custodial sentence of four years was meted out on an occupier of premises used for the dealing and consumption of cannabis resin in *R. v Blake* [1969] Crim. L. R. 609. *In Fraser* [1967] 1 W. L. R. 1291, the defendant was sentenced to six years' imprisonment for processing heroin. In the judges' view, both these long sentences were justified on the grounds of public interest.

[223] Koerselmann, G.H. *The Lost Decade: A Story of America in the 1960s* New York: Peter Lang 1987; Gitlin, *op.cit.*, pp.21-2.

[224] When, *op.cit.*, pp.46-7.

[225] Gilbert discovers evidence of the celebration of youth during this era in the early 1960s "*Bikini Beach*" films, where parents are invariably depicted as initially misunderstanding youth culture but subsequently desiring to participate in it; Gilbert, *op.cit.*, p.179-181. On the other hand, towards the end of the decade the 1950s moral panic over juvenile delinquency (see ch.1, **a.**)) was in part substituted by that over the "drug-crazed hippie"; Gitlin, *op.cit.*, p.216. Hewison observes that from 1968 and onwards, the pendulum of permissiveness began to swing back and expressive behaviour by the young was less tolerated. He cites as examples of this the arrest and the imprisonment of prominent representatives of youth culture, the clampdown on drug culture effected by the 1970 Misuse of Drugs Act, and the violent handling of peace demonstrations by the police. cf. Hewison, *op.cit.*, 169-71. However, total repression was, according to Martin, impossible, since a cultural elite close to the center of society, middle-class students, promoted and practised these values. Martin contends that the dominant culture was obliged instead to offer the *assimilation* of these

rapprochement between high and low culture, also contributed to the popularisation of the new values, by endowing the ideological statements made by popular music performers with added resonance[226]. Other reasons put forward for the burgeoning emphasis laid on expressive values during the 1960s include the erosion of traditional bourgeois constraint allegedly effected by capitalist appeals to pleasure and consumption[227]; or, from a conservative standpoint, the expanded opportunities for contagion across cultural groups inadvertently provided by social programs designed to combat poverty[228].

Cultural and technological developments that brought the subject of sex into public discussion on a hitherto unprecedented level can also be linked to the emergence of the expressive values. These include the complete removal of the Hollywood Code of self-censorship, initiated, as we have seen, during the 1950s; the advent of the contraceptive pill[229], which facilitated purely hedonistic sexual activity; and the first publication in the United States of the softly pornographic "Playboy" magazine[230]. Events such as the acquittal of Penguin Books from charges of obscenity over the publication of DH Lawrence's *Lady Chatterley's Lover*[231] and the scandal surrounding the involvement of John Profumo, Minister of War in the Macmillan government, in an affair with a prostitute, also assisted towards this end[232].

Criminologists displayed an increasing awareness of the expressive nature of criminal and delinquent behaviour during this era. The excitement

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values, in return for their carriers' abandonment of their autonomy. This penetration of 1960s values in the dominant culture is witnessed, Martin argues, in the proliferation of political tactics of disruption, first employed by representatives of the counterculture; and, above all, in the evaporation of the attitude of unquestioning deference for authority observed since the 1960s. cf. Martin, B. *A Sociology of Contemporary Cultural Change* Oxford: Basil Blackwell 1981, pp.23-4. See also below, ch.3.

[226] As happened primarily with the Beatles; Gilbert, *op.cit.*, p.179. Here it should be noted that there was substantial interconnectedness between a specific variant of rock music ("psychedelia") and hippie culture. Performers of the former usually emerged from a variant of the latter and their music came to reflect and develop the norms of this subculture: Willis, P.E. *Profane Culture* London: Routledge and Kegan Paul 1978, pp.153-64.

[227] Hall *et al*, *op.cit.*, pp.239-40..

[228] Wilson, J.Q., *Thinking about Crime* (Rev. Ed.) N.Y.: Vintage Books 1983, p.24.

[229] Not widely used in Britain until the late 1960s. Marwick, *op.cit.*, p.113.

[230] Gitlin, *op.cit.*, p.217.

[231] *R. v Penguin Books Ltd* [1961] Crim. L. R. 176. The jury found that the publication of the book was not in contravention of s.2 of the Obscene Publications Act 1959, in view of its literary merit.

[232] Marwick, *op.cit.*, p.152-3; Hewison, *op.cit.*, p.36.

inherent in criminal behaviour, merely hinted at in the literature of the previous decade[233], was now expressly acknowledged by a variety of commentators. Years later, Heidensohn would even suggest that the detailed descriptions of the offenders' adventurous lifestyles encountered in criminological writings of this era were, for their young male authors, a form of vicarious participation in the deviant's thrilling experiences[234].

Delinquent behaviour was often rationalised in terms of the offender's desire to appear daring and resourceful, and was not seen as originating from psychological disturbances[235]. Matza also alluded to the thrilling jolt the perpetration of a delinquent act generates in an individual. He argued that this invariably succeeded in lifting the individual from the fatalist mood of "*desperation*". The latter occurred when the individual perceived himself as an effect of surrounding forces. When in that state, he was considered by Matza to be highly vulnerable to the tendency to drift to a delinquent offence[236]; by perpetration of an infraction, whether apprehended or not, the individual succeeded in initiating a chain of events and reexperiencing himself as the agent of his actions[237].

Delinquency is also perceived as an attempt by working-class youth to compensate for the tediousness of their work environment. Downes described the process of "*dissociation*": working-class youths withdrew interest from their work, except as a source of income. They then tried to recoup in the leisure sphere the sense of freedom, autonomy, achievement and excitement they were denied in work. Their willingness to engage in deviant behaviour could thus be explained through the "*manufactured sense of excitement*" the latter offered. The commission of delinquent infractions could be logically explained as a deliberate flouting of the official prescriptions, in view of the stimulation this offered to a young psyche[238].

The labelling theorists' insistence that the experience of the deviants be analysed according to their own subjective meanings and motives shed light

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[233] See above, Ch.I, **c.)**.
[234] Heidensohn, F. *Women and Crime* London: Macmillan 1985, pp.140-1.
[235] cf. eg. Gibbons, T.C.N. and Prince, J. *Shoplifting: A Report on Research Carried Out under the Auspices of the ISTD* London: ISTD 1962.
[236] See above, Ch.II, **a.)**.
[237] cf. Matza (1962), *op.cit.*, pp.184-9.

on certain deviants' apparent contentment with their unique lifestyle. The myth that subcultural members invariably turn to delinquent and criminal adaptations due to their inability to achieve success by the standards of the main culture was thus debunked. Specifically, Lemert argued that, in the process of secondary deviation, the offender frequently discovers that his deviant status is not as dire as that represented by dominant moral ideologies[239]. Sutter also questioned Cloward and Ohlin's concept of a retreatist, double-failure drug subculture; he claimed that, on the contrary, marihuana users were oriented towards the clear goal of constructing a "*cool*" identity and lifestyle[240].

In Britain, the paternalistic legislative controls over private morality, imposed in the Victorian era, were one by one lifted. The permissive spirit of the times is evidenced in diverse pieces of legislation. Examples include the 1967 Sexual Offences Act, which decriminalised homosexual behaviour between consenting adults over the age of twenty-one[241]; the 1967 Abortion Act, which facilitated the provision of the operation in legal manner[242]. The 1961 Suicide Act abolished a range of criminal offences connected with suicide attempts, and the 1969 Divorce Reform Act considerably widened the grounds on which marriage could be legally dissolved, also deserve to be mentioned[243]. In the field of criminal justice, the most significant piece of legislation was the 1969 Children and Young Persons Act. Its guiding principle was, as shall be seen, the rehabilitation of juvenile offenders[244].

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[238] cf. Downes, D.M. *The Delinquent Solution: A Study in Subcultural Theory* London: Routledge and Kegan Paul 1966.

[239] Lemert, *op.cit.*, p.52.

[240] Sutter, A.G. *Worlds of Drug Use on the Street Scene* in Cressey, D.R. and Ward, D.A. (eds.) *Delinquency, Crime and Social Process* New York: Harper and Row Publishers 1969, p.802.

[241] s.1(1).

[242] s.2. For an abortion, it was merely required henceforth that two doctors sign a statement declaring their satisfaction that the operation was necessary on either medical or *psychological* grounds. Abortion operation could now even be obtained within the National Health Service. Marwick, *op.cit.*, p.148.

[243] The 1969 Divorce Reform Act replaced the concept of "*matrimonial offence*" with that of the "*irretrievable breakdown of marriage*": a separation that had lasted for five years - or even two years, in the case of consensual divorce- was sufficient to satisfy the latter requirement. Other examples of permissive legislation of the times include the 1960 Betting and Gaming Act, which legalised certain forms of gambling; and the National Health Service (Family Planning Act) 1967, which enabled local authorities to dispense with contraceptives and sexual advice.

[244] See below, Ch.II, **c.)**.

Nevertheless, its refusal to draw a line between deprived, delinquent and mentally disturbed children, and the inclusion of all three categories under the rubric of "care", manifests a tolerance for a wider range of human behaviour[245]. It also agrees with the aforementioned criminological arguments of the era about the essential normality of delinquent behaviour. In this refusal to draw boundaries between deprivation, delinquency and mental disturbance, Martin sees another example of countercultural "*liminality*": the onslaught on boundaries and taboos of all kinds that is, according to Martin, the most consistent mark of the 1960s counterculture[246].

The transformation in moral values during this era can best be observed by a comparison with the familiar scenario encountered in the 1950s films. As analysed above, in many of the films released in the previous decade, the principal female character often cast aside her initial reservations about the criminal or delinquent protagonist and became gradually attracted to his exciting lifestyle[247]. In the films of the 1960s, this scenario is encountered again, albeit with a crucial variation. The female character no longer needs to *learn* about the exciting aspects of criminal behaviour; she is depicted as being, from the outset, fully aware of them[248]. Concomitantly, she does not initially view the criminal protagonist in a negative light; on the contrary, in *Bonnie and Clyde*, Bonnie Parker can barely contain her enthusiasm upon discovering that she is talking with a formerly imprisoned bank robber. Her enthusiasm is compounded by her participation in an actual bank robbery, only a few minutes later[249].

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[245] On this issue, see also Home Office, *Report of the Committee on Local Authority and Allied Personal Social Services* Cmnd. 3703 London: H.M.S.O. 1968 and the ensuing Local Authority Social Services Act 1970.

[246] Martin. *op.cit.*, p.213.

[247] See above, Ch. I, **c.)**.

[248] Although in one of the 1950s films as well, *East Of Eden*, a female character displays, from the outset, a certain fascination with the unconventional, animalistic nature of the delinquent protagonist. See above, Ch. I, **c.)**.

[249] Witness also the smalltown pubescent girls' fascination with the heroes' motorcycles in *Easy Rider*, much to the local residents' dismay. Also the satisfaction the coffee shop girl is depicted as drawing from spending a day with the rebellious hero and his motorcycle in *If...*, in a fantasy sequence.

The thrilling nature of criminality is repeatedly counterpoised to the dreary, repressed and essentially hypocritical[250] life "*square*", law-abiding members are depicted as leading[251]. In *Easy Rider*, which charts two rebellious motorcyclists' voyage across the United States for the purposes of a drug sale, the argument is articulated that the heroes attract hostility from the common people, because they are an unwanted reminder of the freedom the latter have relinquished.

In *Bonnie and Clyde*, Bonnie Parker asserts that being a bank robber on the run is "*something better than being a waitress*". The thrill of a criminal way of life, however, is depicted as wearing off in the end: "*I thought we were going somewhere; but we're just going*", she complains. Nevertheless, the two robbers are unrepentant about their actions, declaring they would do "*more or less the same*", if they started afresh. The excitement of the robbers' actions even rubs off on the authorities assigned with their apprehension. After one of their confrontations with the gang, the bank guards and the police brag about their experience of "*staring straight in the face of death*".

According to Quart and Auster, *Bonnie and Clyde* captured how integral unfettered self-expression was to this era[252]. Kael also makes a valid point: she claimed that the commercial and critical success of this film was conclusive proof that audiences were no longer prepared to empathise merely with falsely-accused heroes, as in previous eras, in the blind belief that true criminals had no connection with them. It is observed how this cinematic development mirrors the demise of criminological positivism, which is characterised by its strong emphasis on the basic "*otherness*" of the criminal. Kael further argued that popular interest in criminal heroes is generated by a suspicion on the part of law-abiding audiences that criminals take immense pleasure in the glory and the profits of a life crime[253].

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[250] See, for example, the preacher's daughter in *Bonnie and Clyde*, who, after lecturing the robbers on the evils of their robberies, demands a share of the proceeds. The aforementioned (see above, p.12) distaste of the counterculture towards monetary advancement is also illustrated in *Easy Rider*, where Captain America (Peter Fonda), expresses his belief that by earning the proceeds of the drug sale, the two motorcyclists have betrayed their ideals.

[251] The police were also depicted as uptight and repressed in the iconography of the underground press at the time. cf. Gitlin, *op.cit.*, p.288.

[252] Quart and Auster, *op.cit.*, pp.87-9.

[253] Kael, *op.cit.*, p.322-42.

The transformation in values during the 1960s is further evidenced in the obvious pride several criminal characters take in their offending actions. In the opening scene of *Midnight Cowboy*[254], the protagonist proudly announces his intention to leave his rural origins behind and become a male prostitute in New York City. In *Bonnie and Clyde*, C.W.Moss (M.J. Pollard), one of the robbers' accomplices, boasts to them about having spent a year in a reformatory. Furthermore, his father finds it demeaning that his son's picture does not feature in the newspaper, along with the rest of the gang. It is as if a complete reversal of the rules of social mobility has taken place.

c.) Traditional Explanations of Delinquency: Family Background and Poverty

It would be erroneous to assume that the attack on positivist criminology by the emergent labelling and "drift" perspectives resulted in a wholesale abandonment of positivist explanations of criminality during this era. It should be always kept in mind that criminology is an amalgam of various disciplines. It would be unreasonable to expect researchers with a background in psychology to relinquish entirely this line of inquiry.

Hence, psychogenic theories of crime and delinquency persisted, albeit with reduced influence. By way of example, one can cite Shields' interpretation of anti-social acts as either the consequence of sadistic superego drives or an appeal for help by the child towards completing its missed infant experiences[255]. Alternatively, Wilson and Trasler claimed that the root of delinquent behaviour was to be found in the offenders' defective socialisation, for which their families were ultimately responsible[256]. Significantly, the bulk of these theories were propagated in the early years of

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[254] *(1969, U.S., J.Schlesinger)*

[255] In his psychoanalytic theory of child delinquency, Shields claimed that by stealing, the child acts out a fantasy belonging to his primitive love impulses: he seeks a person from whom he can take things, exactly in the manner he unquestioningly seized things from his mother when an infant. The child also harbours the inner hope that retributive action will be taken which will enable him to get in touch with its feelings of guilt and its urge for reparation. cf. Shields, R. *A Cure of Delinquency* London: Heinemann 1962.

[256] Wilson argued that parental neglect resulted in the child's relative ignorance of the moral demands made by society: the child thus uninhibitedly strove for immediate pleasure, often in contravention to the law. cf. Wilson, H. *Delinquency and Child Neglect* London: Allen and Unwin 1962. Trasler related delinquency to the deficient use of "love-oriented"

the decade, which have often been described as culturally indistinguishable from the late 1950s[257]. The social climate was unfavourable towards family-based explanations of crime towards the end of the decade. Gillis notes that youthful countercultural discontent was not directed against the family, as in the 1950s, but against established institutions only indirectly identified with an older generation. The counterculture perceived the focus on the institution of the family, without regard to larger social iniquities, as being too narrow[258].

As far as socio-economic theories of crime are concerned, an interesting contradiction is perceived during this era. On the one hand, the association between socio-economic status and crime is often denied[259]. What is more, since the advent of the labelling perspective, the statistical prevalence of lower-class individuals within the criminal justice system is in large part attributed to their relative powerlessness and the differential treatment they receive at the hands of official agencies[260]. On the other hand, a renewed interest in the study of poverty, especially its cultural consequences, is evidenced during this era. It has already been seen that the issue of social inequality appealed to the sensitivities of participants in the Marxist-influenced student movement. This interest in poverty further owed itself to the realisation that neither the continuing affluence nor the expansion of welfare had been successful in reaching certain "pockets" of poverty still encountered in Western societies[261]. The bulk of **subcultural** theorising during this era concentrated on these disadvantaged sections of society and the unique norms their residents were described as holding[262]. In these writings, the seeds of contemporary "*underclass*" theories are traced.

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discipline by the offender's parents: cf. Trasler, G.B. *The Explanation of Criminality* London: Routledge and Kegan Paul 1962.

[257] Gilbert, *op.cit.*, p.213.

[258] Gillis, *op.cit.*, pp.206-7.

[259] Hirschi, *op.cit.*, pp.226-8.

[260] cf, eg. Becker (1963), *op.cit.* See also above, Ch.II, **a.)**.

[261] Michael Harrington had documented in 1962 the persistence of widespread poverty in the affluent American society. About forty million Americans resided in substandard housing and subsisted on inadequate diets: cf. Harrington, M. *The Other America: Poverty in the United States* New York: Macmillan 1962; Boyer *et al, op.cit.*, p. 666.

[262] See, for example, Lewis' "*culture of poverty*" thesis: cf. eg. Lewis, O. *La Vida: A Puerto-Rican Family in the Culture of Poverty- San Juan and New York* London: Secker and Warburg 1962; Wolfgang and Ferracuti's description of the "*subculture of violence*": Wolfgang, M. and Ferracuti F., *The Subculture of Violence: Towards an Integrated Theory*

On the level of official governmental policy, however, family-oriented explanations of delinquency still held considerable sway. In Britain, the belief that delinquency is primarily rooted in the inadequacies or the dissolution of the familial environment was expressly stated in the 1965 White Paper. This belief was underscored by the proposal, within the same document, for the establishment of local family councils, entrusted with handling under-16 offenders in consultation with their parents, ahead of the juvenile court[263]. Prior to the 1965 White Paper, many local authorities had set up family advice centres, as well as initiating a central index of families that were perceived as being "at risk", employing the powers vested in them by section 1 of the 1963 Children and Young Persons Act[264].

The 1968 White Paper, *"Children In Trouble"* has been largely considered as a compromise of its 1965 predecessor in its endorsement of a treatment-oriented approach towards juvenile offenders[265]. Crucially, in this document it was denied that delinquency has a single cause, manifestation or cure. Nonetheless, it should not be overlooked that both the White Paper and the ensuing Act still subscribed to the essentially positivist perspective that delinquency is a mere manifestation of underlying problems of the offenders' personality and environment. Rehabilitation was the principal justification for the introduction of care orders, as well as that of "*intermediate treatment*" measures[266], which were to be combined with a supervision order[267]. The Act also sought to reorganise existing treatment facilities, as well as develop new ones, in which "intermediate treatment" would be conducted[268].

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in Criminology London: Tavistock Publications 1967; and Bernard Cohen's treatise on the "*internecine subculture*": Cohen, B. *The Delinquency of Gangs and Spontaneous Groups* in Sellin, T. and Wolfgang, M. *Delinquency: Selected Studies* (eds.) New York: John Wiley and Sons 1969. See also, below, section **d.)**.

[263] The 1965 White Paper was based on the recommendations of the Longford Committee: cf. The Labour Party, *Crime, A Challenge to Us All: Report of the Labour Party's Study Group* London: The Labour Party 1964. The Longford Committee had called for the establishment of an enlarged Family Service, encompassing all the local authority functions affecting families.

[264] See also above, Ch.II, **a.)**. The 1963 CYPA was based on the recommendations of the Ingleby Committee: see above, Ch. I, **a.), iii.)**.

[265] Ball *et al.*, *op.cit.*, p.24.

[266] Measures combining regular supervision with periods spent away from home in residential institutions.

[267] s. 12 CYPA 1969.

[268] See ss. 19, 35-36.

Significantly, rehabilitation was envisaged by the Act as taking place outside the ambit of the criminal justice system and within the community, in order to avoid the harmful effects of stigmatisation pointed out by labelling theorists[269]. However, contemporary commentators were quick to warn that the unfettered powers of local authorities in relation to the selection and transfer in residential institutions of juveniles committed to their care could lead to an unacceptable lengthening of the time spent in these establishments[270].

British commitment to the principle of rehabilitation, further evidenced in the introduction of parole by the 1967 Criminal Justice Act, appears paradoxical in view of concurrent developments in the United States. As elaborated above[271], the Supreme Court decisions of *Kent* and *Gault* initiated a trend away from the procedural informality of welfarist treatment approaches, in favour of a "justice" model that insisted on the provision of due process rights to juvenile offenders.

During this era, the United States government rather chose to concentrate its efforts on another potential source of criminal behaviour: poverty. Cloward and Ohlin's subcultural variant of the strain theory informed the approach of President Kennedy's Committee on Juvenile Delinquency and Youth Care and helped bolster the federal planners' belief that new programs should bypass established social work institutions[272] and negotiate directly with the victims of deprivation[273]. The opportunity for such programs arose after President Kennedy's assassination, when economists discovered a relatively persistent budget surplus, which was claimed to be detrimental to the interests of United States economy, as long as it remained unexpended. President Johnson's War on Poverty, part of his Great Society plan, was launched on this basis[274].

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[269] See above, Ch.II, **a.)**.

[270] Bottoms, A. E., McClean, J.D., and Patchett, K.W., *Children, Young Persons and the Courts- A Survey of the New Law* [1970] Crim. L.R. 392.

[271] See above, Ch.II, **a.)**.

[272] This sharply contrasts with the pervasive influence of the social work profession in Britain during this era: cf. Martin, *op.cit.*, pp.196-217. This influence is evidenced both in the 1965 and the 1968 White Papers, as well as in CYPA 1969.

[273] Vold, G.B. and Bernard, T.J. *Theoretical Criminology* (3rd Ed.) New York: Oxford University Press 1986, pp.201-2.

[274] During Lyndon Johnson's tenure, the Economic Opportunities Act 1964 was enacted. This established the Office of Economic Opportunity to fund and organise a job corps that

Family-oriented explanations of crime are largely absent in the majority of the films produced during this era. This is a logical consequence of the observation that a significant number of the 1960s films, far from interpreting crime as a symptom of underlying pathology, generally view it as attractive and even praiseworthy behaviour[275]. Furthermore, it should again be stressed that, as a rule, the protagonists of the 1960s films are significantly older than their 1950s counterparts; adult crime, compared to juvenile delinquency, does not lend itself as readily to family-based explanations.

An exception to the above can be found in *To Sir With Love*. As mentioned above, the film is a British reprisal of the *Blackboard Jungle* theme, though the students' behaviour in the later film is comparatively tame. In the film, the students', admittedly minor, delinquency is put down to various deficiencies in their familial backgrounds, including parental abuse, overcrowded housing and, once again, a broken home coupled with an unaffectionate parent. In *Midnight Cowboy*, the protagonist's ambition to become a male prostitute can also be linked to an unsatisfactory home environment: his uncaring father has previously deserted his promiscuous mother. In *Wild In The Country*, the "*wild, unsettled*" behaviour of talented young writer Glen (Elvis Presley) is directly attributed to the death of his beloved mother, when he was only nine years old. His mother's death is held to account for his transformation from a peaceful child who attended church regularly, into a chronic delinquent who, in the opening scene of the film, commits manslaughter. Finally, in *The Loneliness Of The Long Distance Runner*, it is strongly intimated that Colin's mother accelerated her invalid husband's death, in order to reap the profits from his life insurance and live with her lover. Colin decides to break into the neighbourhood bakery, while still upset form a confrontation with his mother on this issue.

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would train young people in marketable skills; Project Head Start, to provide compensatory education for pre-schoolers from disadvantaged families; and Volunteers in Service to America, a domestic peace corps; as well as various other public works and training programs. Subsequently, health care for the aged and the indigent, in the form of, respectively, Medicare and Medicaid were introduced. Federal funds for housing and education were also provided on an expanded level. Boyer *et al.*, *op.cit.*, pp.666-668.

[275] See above, Ch.II, **a.)**, **b.)**.

A psychological -but not family-oriented- explanation of crime is also put forward in *The Collector*[276], where the psychopathic young offender, an obsessive butterfly collector, kidnaps, imprisons and ultimately murders a girl to whom he is romantically attracted. Interestingly, this is only the second example of a young psychopathic criminal in this study. The first one, encountered in the 1950s films, was *Cast A Dark Shadow*[277]. From the 1970s and onwards, the idea that criminality is caused through mental disorder will be encountered far more frequently. Finally, in the same vein, it is also hinted in *Bonnie and Clyde* that the heroine's enthusiasm for crime springs in part from psychological problems, namely her lack of sexual fulfilment. In one scene, she manifestly employs a revolver as a phallic substitute. However, this last point should not be overemphasised: Bonnie's involvement in criminal behaviour predates her sexual dissatisfaction, which, in any case, is solely attributed to Clyde's impotence[278].

Faith in the rehabilitation of psychologically troubled young offenders is still very potent in the films of this decade. In *To Sir With Love*, the behavourial problems of the students are solved through the aid of a gifted and caring teacher. In *Wild In The Country*, an involved psychiatrist broadens Glen's horizons by encouraging him to exploit his writing talent and enrol into college. The theme of rehabilitation is particularly touched upon in *The Loneliness of the Long Distance Runner*. A newly employed Housemaster, with a psychological education, tries to apply in the wards' treatment what the Governor dismisses as "*new-fangled theories*". The Governor rather believes that the staff should seek to channel the boys' aggression into sports; the Housemaster is anxious that "*life's a little more complicated than a football match*". The Housemaster's approach is ultimately vindicated within the film. Although Smith is pointedly uncooperative in his therapeutic session with the new Housemaster, the latter correctly assesses that Smith's unruly behaviour can be linked to his father's death.

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[276] *(1965, U.S., W.Wyler)*.
[277] *(1955, G.B., L.Gilbert)*
[278] See also below, Ch.II, **e.)**.

The poverty of the protagonists in *Midnight Cowboy* and *Poor Cow* is repeatedly emphasised, primarily through the films' depiction of the characters' dingy surroundings. In the former film, the female protagonist lives in a squalid council house. In the latter, Rizzo (Dustin Hoffman), the disabled petty thief the male prostitute befriends upon his arrival in New York, is portrayed as living in a state of poverty unimaginable in a big metropolitan city. He is a reminder of the above-described "pockets of poverty" that had slipped through the welfarist net. However, it has to be stressed that it would be wrong to view the protagonists' criminality in both of these films in *deterministic*, positivist terms. Their infractions are not construed as exhibiting psychological or social *pathology* originating from their dire financial situation. Rather, the commission of property offences by these characters appears as a *rational* attempt on their part to provide themselves with the means of survival.

Finally, traditional theories of criminology, whether structural or psychological, are expressly ridiculed in *West Side Story*. In the song *"Gee, Officer Krupke"*, the white American delinquent gang stages a mock investigation into one of their members' motives for his behaviour. The offender is successively summoned before a social worker, a psychologist and a judge. All three of them appear to arrive at preordained conclusions as to the underlying cause of the offender's behaviour, claiming respectively that he is "*suffering from a social disease*", "*psychologically destroyed*", or is simply "*no good*". Furthermore, the offender, in his various pleas, seeks to play up to their expectations, alternately depicting himself as the victim of parental abuse -in the memorable line "*my father beats my mother, my mother, she beats me*"- or bad familial influences. Gilbert rightly considers *West Side Story* as "*one of the most powerful attacks upon the therapeutic model of explanation*"[279]. This attack is even more surprising, when one considers that the film was produced in 1962, thus predating the arrival of both the labelling perspective and the counterculture. In fairness, it has to be pointed out that the film contradicts itself to an extent by simultaneously validating structural explanations of crime, in the case of the rival Puerto

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[279] Gilbert, *op.cit.*, p.194.

Rican immigrants' gang. Their marginalisation in American society, and their resentment against it, is well documented in another song of the musical, "*America*". Although the link between it and their formation of the "*Sharks*" gang is not expressly made, it is clear from the film that gang membership provides them with a much-needed sense of empowerment, as well as a channel to express their frustrations against white society.

d.) Race

In Britain, the subject of race was primarily discussed in the context of the swelling number of immigrants arriving from the former colonies. The 1964-1970 Labour government declared its interest in the assimilation of these immigrants into British social and cultural life[280]. At the same time, it was argued that such assimilation could only be successfully accomplished with a limited number of immigrants; the government employed this as a justification for imposing further restrictions on Caribbean and Asian immigration[281]. Meanwhile, politicians of the extreme right openly advocated repatriation, claiming that non-white immigrants were distorting the British national identity[282].

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[280] Roy Jenkins, the Home Secretary, described the process of assimilation as "*equal opportunities, accompanied by cultural diversity, in an atmosphere of mutual tolerance*"; Shaggar, *op.cit.*, p.82. During the tenure of the Labour government, the Race Relations Acts of 1965 and 1968 were passed through Parliament: the former set up the Race Relations Board which aimed at conciliation in proven cases of racial discrimination. The latter strengthened the powers of the Race Relations Board, seeking in particular to combat discrimination in housing and employment. It also set up the national Community Relations Commission, which was assigned with coordinating the work of local community relations agencies.

[281] Restrictions were initially imposed through the 1962 Commonwealth Immigration Act, which, despite its racially neutral language, was unsophisticatedly aimed at non-white immigrants arriving from the Commonwealth. The 1968 Commonwealth Immigration Act rendered Kenyan and Ugandan Asians arriving in Britain subject to immigration control, in spite of their possession of a British passport, unless their parent or grandparent was born, adopted, nationalised or registered in Britain as a citizen of Britain and its colonies. The 1969 Labour Immigration Appeals Act was initially viewed as a positive measure, establishing a system of appeal for those denied entry; yet the Act in effect institutionalised the process of deportation for those breaking the conditions attached to their entry in Britain: cf. Solomos, *op.cit.*, p. 68.

[282] The Conservative P. Griffiths campaigned against the Labour candidate P.G. Wilks for the Smithwick constituency in the 1964 general election, employing the slogan "*if you want a nigger for a neighbour, vote Labour*". This was at a time when the Labour Party was still opposed to the principle and the practice of immigration control. Enoch Powell placed the issue of repatriation on the political agenda by delivering an infamous racist speech in Birmingham on the 20th of April 1968. He claimed that immigration was causing a "*total transformation*" of British national identity to which "*there was no parallel in a thousand*

In the United States, the 1960s witnessed the flourishing of the civil rights movement. Insisting on the grant of civil rights to racial minorities, the movement zealously campaigned for the abolition of the system of racial segregation that existed in the Southern states[283]. The enactment of the 1964 Civil Rights Act can be considered as its highest achievement[284].

However, the provision of civil rights could not by itself address the economic and social injustices that had accumulated over years of discrimination[285]. This was brought to public attention by the eruption of violent riots in the ghetto neighbourhood of Watts, Los Angeles on the 11th of August 1965[286]; and the rise of militant black nationalism[287]. A sizeable segment of the racial minorities still lived in dire financial circumstances[288];

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years of British history". He was immediately dismissed from his position in the Conservative Shadow Cabinet. cf. Solomos, *op.cit.*, pp.65-7; Shaggar, *op.cit.*, pp.76-7.

[283] In 1963, the Reverend Martin Luther King organised a series of marches, sit-ins and pray-ins in the Southern States where the system of segregation was still in force. Scenes showing the violent measures adopted by the police in Birmingham, Alabama in response to the protests circulated around the world through news coverage and embarrassed the United States government. On the 28th of August 1963, 250,000 people marched into Washington, in order to listen to a speech delivered by the Reverend King and to compel Congress to legislate on the issue of racial discrimination. The Mississippi Freedom Summer Project of 1964 was organised by civil rights workers of all races. They sought to register African-American voters in the eponymous Southern State; the Project also established "Freedom Schools" which taught African-Americans the history of their race and emphasised their self-worth. Boyer, *op.cit.*, pp.661-70.

[284] The Act outlawed race-based discrimination in employment, establishing the Equal Employment Opportunities Commission, in order to monitor the enforcement of this provision. It also disallowed programs that discriminated on grounds of race from receiving federal funds and it rendered segregation in public facilities unlawful. Furthermore, it prohibited the use of literacy tests as a voting qualification and it authorised the Attorney General to file desegregation suits. The 1968 Civil Rights Act, which ensued, prohibited discriminating and segregating policies and practices in relation to housing: cf. Koerselmann, *op.cit.*, p. 152; Boyer, *op.cit.*, p.666.

[285] By the end of the decade only 2% of American businesses were owned by African-Americans. The median family income of African-American families had risen by 55% during the 1960s; the equivalent figure for whites was 64%; Koerselmann, *op.cit.*, p.153-9.

[286] On that day, 50,000 African-Americans looted shops, set fire to white businesses and sniped at police officers, fire fighters and National Guard troops. 34 people were killed, 900 were injured and 4,000 were arrested; 30 million dollars' worth of property was destroyed. More riots took place in African-American-dominated neighbourhoods throughout the United States during the summers of 1966, 1967 and 1968.

[287] During the late 1960s, assorted Black Power movements urged the black community to seize control of the institutions that affected African-Americans' lives. They also exhorted African-Americans to take pride in black culture and history and repudiate the values and morals that allegedly were imposed upon them by the white majority. The most celebrated exponent of Black Power was Malcolm X, who advocated the return of African-Americans to the continent of Africa and the creation of a pan-African separatist state. He claimed that African-Americans should liberate themselves from racist white society "*by any means necessary*". Koerselmann, *op.cit.*, pp.153-8.

[288] Wilson, W.J. *The Truly Disadvantaged: The Inner City, the Underclass and Public Policy* Chicago: University of Chicago Press 1987, p.3.

particularly evident was the plight of unskilled African-Americans who had emigrated from the South into the ghettos of the metropolitan Northern cities. Social analysts commented upon the proliferation of female-headed households in these areas[289]. Criminologists delineated the residents' adherence to a subcultural code of violence, which led to the overrepresentation of the African- American race in both the criminal offender and victim statistics[290]. The antagonistic relations between residents of these neighbourhoods and the police were also noted[291]. The "underclass" thesis, developed in the 1980s and the 1990s, would seize upon these emergent themes[292].

The subject of race is discussed in a number of 1960s films, which deal with issues of racial prejudice. Two of them are included in this study[293]: in *To Sir With Love*, the black teacher who gradually earns the sympathy of his undisciplined students also needs to overcome their prejudices about his colour[294]. In *In the Heat of the Night*, the bigoted sheriff of a small town in the American South gradually learns to cooperate with an African-American police officer. Initially, the latter is mistaken for a criminal suspect by the sheriff, because of his race. The fact that he carries a substantial amount of money with him is considered incriminating. These films undoubtedly bear

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[289] Moynihan, D.P. *The Negro Family: The Case for National Action* Washington: United States of America, Departments of State and Public Institutions, Department of Labor, Office of Policy Planning and Research 1965.

[290] cf. Cohen, B. *op.cit.*, pp.63-4; Wolfgang and Ferracuti, *op.cit.* The dubious yet widespread belief that members of the African race are by nature predisposed towards violence and homicide also surfaced in a case before the English courts. In *R. v King* [1965] 1 Q.B. 443, a native of Uganda was found guilty of murdering three members of her family, including the baby son of her mother-in-law. A doctor was called in to testify that Africans were more likely than other races to respond to provocation with homicide. The Court concurred that the appellant's behaviour was not abnormal compared to other individuals of her racial type.

[291] Cf. Piliavin, I. and Briar, S. *Police Encounters with Juveniles* Am. J. of Sociology LXX Sep. 1964, pp.206-14; Gibbons, *op.cit.*; Werthman, C. and Piliavin, I. *Gang Membership and the Police* in Bordua, D.J. (ed.) *The Police* New York: John Wiley and Sons Inc. 1967.

[292] See below, Chs. IV, V.

[293] On the theme of racial prejudice, see also *Guess Who's Coming To Dinner (1967, U.S., S.Kramer)*, a film not examined in this study, where an elderly liberal couple come to terms with their daughter's impending marriage to a black man.

[294] One of the students refers to the teacher as "*chimney sweep*"; another wonders whether the teacher's blood is red. In general, however, the issue of race relations is not widely discussed within the film: cf. Powers, S., Rothman, D.J., and Rothman, S., *Hollywood's America: Social and Political Themes in Motion Pictures* Boulder: Westview Press 1996, p.183.

traces of the influence of the emergent civil rights movement. Nonetheless, in the remainder of the films of this period examined in this study, the issue of race is not yet associated with that of crime. Indeed, with the aforementioned single exception of the Puerto Rican immigrants in *West Side Story*, all the offending characters are Caucasian[295], including those depicted as living in dire financial circumstances[296].

e.) Gender

The beginning of the modern Women's Liberation movement can be traced to the 1963 Report of President Kennedy's Commission on the Status of Women[297]. This pointed out that women in American society suffered occupational inequities on a level comparable to that of racial minorities. They received lower pay than their male counterparts for identical or comparable work and enjoyed fewer chances to move into managerial or professional posts[298]. The 1963 Equal Rights Act safeguarded women's right to receive equal reimbursement for equal work[299]. By virtue of a late amendment, the 1964 Civil Rights Act outlawed discrimination in employment based on gender as well as race.

However, the Equal Employment Opportunities Commission, a body instituted by the latter Act to monitor its enforcement, largely ignored gender-based discrimination complaints. As a response to this, a group of women, led by Betty Friedan[300], founded in 1966 the National Organisation

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[295] The disobedient class of the Wapping secondary school in *To Sir With Love* is also notably multiracial; however, the pupils the film principally focuses upon are all white.

[296] See above, **c.)**; though brief glimpses of African-American poverty are caught in *Easy Rider*, as the two motorcyclists travel through the American South; the shacks black families live in are contrasted to the stately Georgian homes that presumably belong to affluent whites.

[297] Rowbotham, *op.cit.*, p.371.

[298] Boyer, *op.cit.*, pp.672-3.

[299] Not, however, for "*comparable*" work; a proposal to that effect was rejected on grounds of impracticality; Rowbotham, *op.cit.*, p.372.

[300] In "*The Feminine Mystique*", Betty Friedan argued that women restricted by social forces within the home, without paid employment, were developing neuroses that drove them to the consumption of alcohol and tranquillizers. According to Rowbotham, the book "*turned all those old prejudices against working women around: they emerged as the sane ones*". Similarly, in "*The Captive Wife*", Hannah Gavron challenged the orthodoxy that absent working mothers damaged the psychological health of their children. Deprivation was redefined as the absence of a social environment for the children. This goes directly against theories put forward in the 1950s: see chapter 1. cf. Rowbotham, *op.cit.*, p.352-67; Farber, *op.cit.*, pp.242-7.

of Women (NOW). Insisting upon the provision of equal rights between man and woman, the organisation also campaigned in favour of the equitable sharing of domestic and financial burdens within the context of the family[301]. After NOW, radical Women's Liberation groups were formed in the United States during the late 1960s. These rejected the demand for equal rights made by NOW, and campaigned in favour of a wholesale transformation of patriarchal society[302]. Additionally, the radical groups openly resented the marginal part women were forced to assume within the male-dominated radical student movement[303]. Their protests against the Miss America contest in Atlantic City in September 1968 lent them instant notoriety[304].

Carol Smart has noted that the study of female criminality remained arrested on the positivist stage during the 1960s. The insights offered by the labelling movement and the naturalist perspective of David Matza were not seen as applying to female offenders. On the contrary, there is a noted tendency to neuroticise and sexualise female deviance; the criminality of women is not judged as natural, purposive behaviour[305]. For example, Harris claimed that the delinquency of the girls in her study was a response to their relational problems[306]. Cowie, Cowie and Slater argued that women, in general, possessed a greater constitutional resistance to deviant temptations; the girls in their study who resorted to deviance frequently exhibited an abundance of masculine traits. Alternatively, they had previously suffered from a severely dysfunctional family environment[307]. Other commentators adopted uncritically the line laid out by Pollak; women were seen as equally deviant to men, yet their offences remain unpunished and unrecorded in the statistics[308]. However, towards the end of the decade, Terry and Richardson observed that women often received harsher sentences, when their behaviour went against the gender expectations of the judiciary[309]. This argument

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[301] *Ibid.*
[302] Rowbotham, *op.cit.*, p.378.
[303] Farber, *op.cit.*, p.251.
[304] *Ibid.*, p.252; Rowbotham, *op.cit.*, pp.378-9.
[305] Smart, *op.cit.*, pp. 4, 54-60; Heidensohn, F. *Gender and Crime* in Maguire et al., *op.cit.*, p.774.
[306] Harris, R. *Female Delinquency and Relational Problems* Social Forces 43 pp.82-9.
[307] cf. Cowie, J., Cowie, V., and Slater, E. *Delinquency in Girls* London: Heinemann 1968
[308] See above, Ch. I; Morrison, *op.cit.*, p.390.
[309] Smart, *op.cit.*, pp.18-29.

would be developed further by feminist criminologists in subsequent decades[310].

As far as the depiction of women offenders in the films is concerned, there is a notable divergence between the depictions in the films produced at the beginning of the decade and those in the films produced towards the end. In the former, there is a clear demarcation between what is considered proper and natural masculine and feminine behaviour. The girl who wishes to join in the Jets' delinquent gang in *West Side Story* is thus depicted as a typical tomboy. The sympathetic teacher in *To Sir with Love* uncritically considers sewing as being women's work; he also admonishes his female students to look and behave as attractively as they can, in order to compete more successfully for a husband. On a similar note, the promiscuity of the 16-year old in *In the Heat of the Night*, which is linked to her deficient mental aptitude, can be contrasted with the treatment of promiscuity as normal behaviour in late 1960s films, such as *Easy Rider* and *Poor Cow*.

Gender roles become increasingly blurred in the films produced towards end of the 1960s. The facility with which women embrace illegality and, in some cases, actively participate in a criminal offence, has been described above[311]. It needs to be stressed, however, that female characters are usually restricted to the part of an accomplice in a male-dominated criminal venture. Only Bonnie Parker in *Bonnie and Clyde* is placed on an equal footing with the male members of the gang. Yet it is revealing that her willingness to engage in criminal actions is -at least partially- attributed to her sexual dissatisfaction, itself rooted in her partner Clyde's impotence[312], whereas her male accomplices' involvement in the criminal gang is not explained in these terms. The contemporary criminologists' tendency to explain female deviance by reference to a woman's relational and psychological problems is thus replicated to an extent in this film.

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[310] See Chs. III, IV.
[311] See above, Ch.II, **b.)**.
[312] See above, Ch.II, **c.)**.

e.) Conclusion

In the 1960s, a full-scale *confrontation* between the young generation and the political and cultural establishment is evidenced. In the films, in criminological writings and in social developments, earlier orthodoxies are mercilessly challenged. These include the capitalist financial structure, the repressive values embodied in the Protestant Ethic and the subordinate role of women and racial minorities in Western societies. Along with them, the values underlying the rules of the criminal law, as well as the moral legitimacy of criminal interdictions in general, are called into question. Criminal offenders and the motivations that guide them into their actions are now portrayed in a starkly positive light. The consolidation of this alternative perspective, as well as the vehement response of the older generation against it, would set their mark on the next decade.

Chapter III: 1971-1980

The 1970s can be characterised as a transitional period. It is beyond any doubt that social developments during this era were still substantially influenced by the emergence of the counterculture during the previous decade. At the same time, however, the same developments carried within them the seeds of the New Right, individualist perspective on social and political affairs which would dominate the 1980s.

The 1970s witnessed a vehement reaction by the older generation against the mores and practices of youthful exponents of the 1960s counterculture. One of the undesired social phenomena associated with the arrival of the counterculture was the proliferation of violent criminal behaviour. This was attributed to the allegedly lenient and relativist countercultural stance towards illegality. In section **a.)**, it will be shown how this backlash against the counterculture visibly affected contemporary attitudes towards criminality, as they are manifested in the conservative criminological theory and the criminal justice policies of the era, as well as in the "vigilante" films released during this period. In particular, the emphasis placed in both the films and the socio-criminological context upon the need for offenders to be dealt with severely, on the grounds of retribution and deterrence, irrespective of what actually caused their offending, will be examined. Indeed, adherents to this perspective do not seem to be especially interested in the issue of the causes of crime.

At the same time, the 1970s witnessed a consolidation of the expressive, self-idealising philosophy of the counterculture, further manifested in a series of films that depicted criminal behaviour as normal and even commendable, in view of its exciting, boundary-defying qualities (section **b.), i.)**). Furthermore, the Marxist tradition of the counterculture, as well as its violent confrontations in the final years of the 1960s with representatives of the political establishment[313], inspired a wave of critical criminologists during the 1970s to depict the criminal law as an instrument of oppression. It was claimed that the ruling capitalist class utilised the criminal

law in order to obviate the threat of a working-class revolution. According to this perspective, crime should be viewed as a legitimate response to the iniquities of the capitalist social structure; Marxist criminologists were highly sceptic of attempts to attribute crime to an underlying pathology, in view of the contentious nature of the criminal law. During the 1970s, a number of films were released which, though not overtly Marxist in their perspective, appeared to agree with many of the arguments put forward by critical criminologists: they seriously questioned the benevolence of state authorities and, in particular, the criminal justice system. They depicted circumstances under which the moral obligation to obey the criminal law was neutralised. They also agreed with the perspective of critical criminology on the causes of crime: although they stressed that the perpetrator's own choice lay behind most criminal offences, they also illustrated how this choice is often severely restricted by his position on the social ladder (section **b.), ii.)**).

It has been mentioned that conservative criminological writings during this period largely overlooked the issue of the causes of crime; and that Marxist criminologists were highly critical of the positivist perspective. It was thus to be expected that the link between traditional, positivist causes of crime (the family, poverty, subcultural pressures) and criminal behaviour was not extensively focussed upon in criminological theory during this period: this situation was mirrored in the cinematic representations of the era (section **c.)**).

Those reacting against the counterculture did not hesitate to draw a tenuous association between the civil rights movement, the rise of black militancy and what was perceived as the increasing participation of racial minorities in violent, "street" crime during the 1970s. The films released during this period validate the assumption that members of racial minorities - in particular, those of Afro-Caribbean descent- are disproportionately involved in crime (section **d.)**). Finally, in section **e.)**, it is demonstrated that the growth of feminist activism led to an extensive reevaluation of the association between gender and crime in the field of criminology. It is additionally noted that, in the films released during this period, female

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[313] See above, Ch. II, **a.)**.

characters are frequently assigned roles that were previously the exclusive reserve of their male counterparts.

a.) The Backlash against the Counterculture- Retribution and Deterrence

During the 1970s, a reaction against the ideals and practices of the 1960s counterculture is witnessed in both Britain and the United States. To a certain extent, this reaction owes itself to the -arguably inevitable- evaporation of the thrill derived during the previous decade from disregarding established standards of morality[314]. Moreover, confidence in the radical, Marxist-influenced ideals of the counterculture was undoubtedly dimmed by the revelations of Nobel prize-winning author Victor Solzhenitsyn on the tyrannical regimes of Soviet *gulag* camps, and reports of the atrocities committed by the ostensibly Marxist Pol Pot regime in Cambodia. The frustrations felt by the public with the actions of the socialist trade unions in Britain, as well as the fear engendered across the Western World by the campaigns of radical urban terrorists, further contributed to this end[315]. Finally, the excesses of radical and expressive countercultural movements during the final years of the 1960s alienated the "*silent majority*", the uncommitted members of the public[316].

This backlash against countercultural ideals, initiated by "*the unyoung, the unpoor and the unblack*"[317], was fostered by politicians and bureaucrats keen on locating an easy target for the current economic crisis in Western societies. It grew into one of the primary societal movements of the 1970s.

The economic crisis led credence to conservative, *laissez-faire* political arguments. These pointed out the necessity of minimising state intervention in the economy; and of forsaking collective action, which had evidently failed during the previous decade to wipe out hardship, in favour of self-interested material advancement[318]. In essence, neoliberal conservatives exploited the fact that, in the currently adverse economic circumstances,

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[314] Booker, C. *The Seventies* London: Allen Lane 1980, pp.28-32.
[315] *Ibid.*
[316] See above, Ch.II, fn.168.
[317] Koerselmann, *op.cit.*, p.215.
[318] See also below, Ch. IV, **a.)**.

most people had grown ruthlessly territorial about their shrinking personal income and increasingly willing to blame the "*freeloaders*" who lived on welfare handouts[319]. The willingness to enforce severe restrictions on the Welfare State formed a crucial part of the New Right economic philosophy. By the end of the 1970s, politicians espousing this philosophy occupied the premier executive positions in both Britain and the United States. Specifically, Margaret Thatcher led the Conservative Party to a victory in the British Parliamentary elections of 1979, and Ronald Reagan was elected President of the United States during the same year. Hoeveler remarks that the conservative shift of the decade is encapsulated by the candidacy of avowedly leftist Democrat George McGovern in the 1970 United States Presidential Elections and the election of ultra-conservative Republican Ronald Reagan at the end of the decade[320].

The backlash against countercultural permissiveness is also witnessed in the support gathered during this era for quaint, moralistic organisations such as Mary Whitehouse's National Viewers and Listeners' Association. Originally intended to combat the depiction of obscenity and violence on television, the organisation encompassed in its critique many features of modern society, which stemmed from the 1960s permissive revolution[321]. Sexual licentiousness was attacked, under the rationale that it was leading to a proliferation of divorce, abortion and venereal diseases. The expanded predilection for chemical stimulants, integrally linked to the emergence of the counterculture, was held to account for the increase in drug addiction, alcoholism and mental disturbance[322]. It should be noted that Mary Whitehouse was not merely concerned with the strain placed by these developments on the cohesion of society and its valued institutions, such as

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[319] Tipton, *op.cit.*, pp.29, 258; Howard, *op.cit.*, pp.6-39; Koerselmann, *op.cit.*, pp.214-36.

[320] Hoeveler, J. D. *The Post Modernist Turn: American Thought and Culture in the 1970s* New York: Twayne Publishers 1996, p.xiii.

[321] Cliff, D. *Religion, Morality and the Middle-Class* in King, R. and Nugent, N. (eds.) *Respectable Rebels: Middle-Class Campaigns in Britain in the 1970s* London: Hodder and Stoughton 1979, pp.127-152.

[322] The British courts were also prepared to come down heavily on individuals involved in drug offences. See, for example, the unusually harsh sentence of three years' imprisonment passed on the defendant in *R. v Minott* [1979] Crim. L. R. 673 for the possession of a minuscule amount of cannabis. Also in *R. v Vickery* [1976] Crim. L.R. 143, the Court of Criminal Appeal stressed that a minimum sentence of three years' imprisonment should be

the nuclear family. She was also alarmed over the financial costs these entailed[323]. This linkage between state frugality and moral authoritarianism, first encountered here, would be a crucial feature of New Right policy and practice in the subsequent decade[324].

Other manifestations of the rising conservatism of the era include the popularity of Evangelical Christianity; and the renewed taste for jingoistic John Wayne films –as well as for the "*vigilante*" films discussed below- and traditional "country" music in the United States[325]. The staging of the National Festival of Light in Britain in 1971 also deserves to be mentioned. In this "*Law and Holy Order March*", as it was alternatively dubbed by the Sunday Times[326], the Bishop of Blackburn and the Chief Constable of Lancashire appeared at the head of ten thousand men[327] to proclaim their allegiance to traditional Christian ideals[328].

A growing alarm over the volume of crime, and order-defiance in general, is perceived in both Britain and the United States during the 1970s. Hall *et al.* detect in 1970s Britain a "*mopping together*" of diverse moral panics, such as the one over "*mugging*" or that over hooliganism, into a generalised societal alarm over law and order[329]. Melossi argues that the unfavourable representations of criminal behaviour and offenders, prevailing in Western societies during this period[330], are directly associated to the deteriorating economic conditions; just as the sympathetic portrayals of such behaviour in the 1960s were a result of the financial optimism of that era[331].

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handed out on defendants convicted of supplying illegal drugs such as LSD, in the absence of extenuating circumstances.

[323] Hall *et al.*, *op.cit.*, pp.286-7.

[324] See below, Ch. IV.

[325] Koerselmann, *op.cit.*, pp.216-36.

[326] Hall *et al.*, *op.cit.*, pp.286-7.

[327] Women were excluded.

[328] Cliff, *op.cit.*, p.127.

[329] Hall *et al.*, *op.cit.*, p.222. Hooliganism would become an even more prominent problem in the 1980s: see Ch. IV. During the 1970s, the courts stressed the need for dealing with defendants involved in incidents of hooliganism in a strict and severe manner, so as to punish them thoroughly and deter others from indulging in this sort of violence. See, for example, *R. v Johnson* [1975] Crim. L. R. 470; *R. v Glavin, Wood and Japp* [1979] Crim. L. R. 401.

[330] Also in the films: see below.

[331] Melossi, *op.cit.* A similar argument is put forward to explain the wane of radical sentencing reform in Greenberg, D.F. and Humphries, D. *The Cooptation of Fixed Sentencing Reform* Crime and Delinquency April 1980 206. Melossi also claims that the devaluation of the criminal, in both criminological arguments and "aesthetic" productions is integrally linked to a perceived rise in their number: cf. Melossi, *op.cit.*

The perceived proliferation of violent and criminal behaviour was again linked to the licentious mores advocated by the counterculture. James Q. Wilson argued that the contemporary prevalence of the ethos of personal liberty and self-expression, as well as the institutionalisation, in all parts of society, of youth's natural desire for freedom, lent a misplaced legitimacy to many forms of crime and violence. Contemporary public philosophy, emphasising rights above duties, spontaneity above loyalty, tolerance above conformity and self-expression above restraint, was held to blame for the increase in offences that were reflections and instrumentalities of the ethos of self-expression[332]. All this, despite the fact that it is doubted whether criminal behaviour actually increased during this period[333].

Conservative politicians seized upon this association between the rise of the counterculture and the perception of increasing crime and disorder to justify a series of repressive measures directed against representatives of the counterculture[334]. During their campaign for the 1970 British Parliamentary elections, the Conservatives expressly blamed the permissive attitude of their Labour predecessors[335] for the proliferation of violence and the associated increase in the public's fear of crime[336]. A series of repressive measures directed by the Heath government against radical initiatives ensued; according to Hall *et al.*, these sought, in vain, to recreate what no longer existed, the "*disciplined*", pre-countercultural society. The authors point, by way of example, to the legislation of new statutes, such as the Criminal Damage Act 1971. Section 4 (2) of the Act stipulated that damage to another's property without lawful excuse would carry a minimum ten-year imprisonment sentence; if the perpetrator of the offence intended or was reckless as to the endangerment of human life, he was liable to receive a sentence of life imprisonment[337]. Diverse forms of action, such as squats, pickets and demonstrations could potentially fall within the shadow of these heavy penalties. Other autocratic measures employed by the 1970-1974

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[332] Wilson, J.Q., *op.cit.*, pp.238-39.
[333] Morris and Giller, *op.cit.*, pp.38-48.
[334] And an array of punitive criminal justice policies: see below.
[335] See above, Ch.II, esp. **b.)**.
[336] Though by the final days of the election campaign, the whole issue had been overshadowed by traditional electoral concerns, such as the state of the economy. Hall et al., *op.cit.*, p.277-8.

Conservative government included the dredging up of ancient laws[338] and the reactivation of statutes, such as the Obscene Publications Act 1959, that in permissive times had lain fallow[339]. The bias in favour of the police and prosecutors in judicial interpretations, and the widening of the "*anticipatory*" use of the police, in the form of increased surveillance and Special Squads, is also noted. According to Hall *et al.*, the repression of dissenting and alternative lifestyles continued throughout the 1970s, even after the ostensibly social democratic Labour government seized office. The expansive, authoritarian form the State had assumed could not easily contract[340].

In a similar manner, in the United States, Nixon utilised the operations of assorted federal agencies to restrain radical activists. The Internal Revenue Service audited the tax returns of antiwar and civil rights campaigners; the Small Business Administration denied them loans; and the FBI and the CIA harassed militant organisations through wiretapping, infiltration and illegal investigations. Nixon additionally encouraged the Department of Justice to arrest and prosecute antiwar activists and militant blacks, on frequently dubious charges[341].

The moral panic over crime and order-defiance also explains in part the focus during the 1970s on *retribution* and *deterrence*, by criminologists and governments alike. Undoubtedly, the popularity of these theories of punishment is indelibly linked to the disillusionment with rehabilitative philosophy witnessed across the political spectrum during this period[342]. Martinson's influential article questioned the effectiveness of rehabilitative

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[337] ss. 1(2), 4(1).

[338] Hall *et al.* refer to the charges of "conspiracy to trespass" and "unlawful assembly" charges successfully brought against the students who occuppied the Sierra Leone High Commission in *Kamara* [1973] 3 W. L .R. 198. They also mention the Greek students' convictions of the ancient common law offence of "unlawful and riotous assembly" in *Caird*: see above, Ch. II, **a.)**, fn. 160.; cf. Hall *et al.*, *op.cit.*, pp.284-323.

[339] Charges under this Act were brought against the editors of the *Oz* underground magazine for including lewd advertisements and pictures in the "*Schoolkids' Edition*" of their magazine. The defendants' convictions on these charges were, however, quashed by the Court of Appeal, on the grounds of jury misdirection: see *R. v Anderson* [1971] 3 W. L .R. 939. The defendants had also been charged, but acquitted, with "*conspiring to corrupt public morals*". The Editors of the Criminal Law Review described the persecution, on the whole, as "*a throw of public money*": c.f. [1971] Crim. L. R. 613.

[340] *Ibid.*

[341] cf. Boyer *et al.*, *op.cit.*, pp. 696-7.

[342] For the critical criminologists' views on rehabilitative policies see below, Ch.III, **b.)**.

methods in dealing with incarcerated criminal offenders, famously declaring that "*nothing works*"[343]. Reports from the United States Panel of the National Academy of Sciences and the Panel on the Review of Rehabilitative Effects were similarly pessimistic[344]. Certainly, the impact of such pronouncements was exacerbated by the fact that public attitudes at the time were acutely receptive to such conclusions[345]. Lerman had also demonstrated that the benevolent intentions of the California Treatment Programme had spectacularly misfired; the programme was revealed as being ineffective, unnecessarily restrictive of its subjects' liberty, and as resulting in unacceptable net-widening[346]. Rehabilitative sentences were also attacked by civil rights writers, such as the American Friends Services Committee, who lamented the unjustified racial, sexual and class disparities that indeterminate sentencing produced[347]. It was also contended that the rhetoric of treatment was sharply contradicted by the reality of correctional institutions plagued by staff and inmate abuse[348]. Finally, Foucault's account of the history of the prison and, in particular, his thesis that the institution had always been unsuccessful in its reforming aspirations also fed the mood of pessimism over rehabilitative practices[349].

From a conservative standpoint, James Q. Wilson challenged the liberal position that the continuing existence of criminal behaviour could be attributed to insufficient devotion by the Western states to rehabilitation and welfare policy. He prodded official criminal justice agencies to explore alternative avenues of crime control which, in his view, held greater promise,

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[343] Martinson, C.R. *What Works? Questions and Answers about Prison Reform* The Public Interest (Spring 1974), 22-54.

[344] Von Hirsch, A. and Maher, L. *Should Penal Rehabilitationism Be Revived?* in Von Hirsch, A. and Ashworth, A. (eds.) *Principled Sentencing: Readings on Theory and Policy* Oxford: Hart Publishers 1998, pp.26-33.

[345] Allen, F.A., *The Decline of the Rehabilitative Ideal* in Von Hirsch and Ashworth, op.cit., pp.14-19, p.17.

[346] Lundman, *op.cit.*, pp.128-39; Lerman, P. *Community Treatment and Social Control: a Critical Analysis of Juvenile Correctional Policy* Chicago: University of Chicago Press 1975.

[347] Tonry, M. *Sentencing Matters* New York: Oxford University Press 1996, p.4.

[348] Feld, B. *Criminalizing the Juvenile Court: A Research Agenda* for the 1990s in Schwartz, I. (ed.) *Juvenile Justice and Public Policy: Towards a National Agenda* New York: Lexington Books 1992, p.75.

[349] Hudson, B.A. *Understanding Justice: an Introduction to Ideas, Perspectives and Controversies in Modern Penal Theory* Buckingham: OUP 1996, p.136. Foucault's arguments are analysed in more detail below, Ch.III, **b.)**.

such as deterrent and incapacitating sentencing[350]. Similarly, Murray and Cox commented that " *a forgiving juvenile justice policy might salve the policy-maker's social conscience, without doing the forgiven youth much good.*"[351] Evidence from their research refuted the assumptions of labelling theory by demonstrating that the most closely supervised, strictly enforced custodial sentences were more effective in turning youth away from crime than the non-stigmatising community-based ones[352].

In Britain, under the auspices of the Home Office Research Unit, Cornish and Clarke questioned the rehabilitative promise of the approved schools and the "*therapeutic communities*". Rehabilitation probably worked, they argued, only when the youth in question had been grossly maltreated and neglected[353]. Otherwise, the philosophy underlying the sentences to residential establishments appeared to be founded on an unjustified optimism over human malleability. Along with Sinclair, who examined the rehabilitative role of probation hostels, Cornish and Clarke identified a crucial problem of carry-over: the desired changes in the delinquents' behaviour failed to persist, once the latter had returned to their normal environment[354]. Towards the end of the decade, the head of the Home Office Research Unit, John Croft, challenged the probation service to show that it had not outlived its *raison d'etre*. Thereupon, supporters of the service sought to rationalise its existence, primarily on the ground of decarceration[355].

The criminologists' distrust of rehabilitative ideals is mirrored in official criminal justice policy, on both sides of the Atlantic. In Britain, wariness towards indeterminate, discretionary sentencing can be detected in the Report of the Advisory Council on the Penal System in 1974. The Report proposed the establishment of a single, generic "*custody and control*" order for offenders aged between 17 and 21. It stressed, however, that such an order should never, in pursuit of a "*treatment objective*", exceed in length the

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[350] cf. Wilson, J.Q., *op.cit.*

[351] Murray, C.A. and Cox, Jr., L.A. *Beyond Probation: Juvenile Corrections and the Chronic Delinquent* Beverly Hills: Sage 1979, p.194.

[352] *Ibid.*, pp.174-94.

[353] Cornish, D.B. and Clarke, R.V.G. *Residential Treatment and Its Effects on Delinquency* London: H.M.S.O., 1975.

[354] *Ibid*; Sinclair, I. *Hostels for Probationers* London: H.M.S.O. 1971.

sentence delivered to an adult convicted of the same offence[356]. The Home Office 1978 Green Paper concluded that executive discretion in the release of young offenders from Borstal training should be abandoned. As a measure, the Paper argued, executive release was both unpopular -with the judiciary and academic criminologists- and unjustified by research evidence into the effects of rehabilitation[357].

Nowhere is the wariness against rehabilitative ideals better illustrated than in the hostile reception reserved during this period for the Children and Young Persons Act 1969. Various reasons have been put forward for the veritable fiasco in the implementation of this legislation. In the first place, it should be remarked that the Act was only partially implemented from the outset; as Thorpe *et al.* put it: "*a new system came in but the old one did not go out*"[358]. The Conservative government retained the traditional, punitive disposals, such as detention and attendance centres, which were originally to be abolished by s. 7 of the Act. Furthermore, the approved schools kept their traditional, quasi-punitive character and the Borstal sentence remained available for the over-15s; all this, despite the establishment by the Act of Community Home and Intermediate Treatment sentences. Finally, since it was still possible to initiate criminal proceedings against offenders under fourteen years of age, the alternative option of employing the newly introduced care proceedings was often overlooked[359].

In effect, the new, welfarist modes of control introduced by the 1969 Act, came to operate as an *extension* to the traditional, punitive ones, resulting in considerable net-widening. The new system included an "*at risk*" population, which would have previously avoided the reach of the law[360]. This development was aided by the reluctance of Community Homes and Intermediate Treatment staff to deal with serious offenders for fear of

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[355] Rex, S. *A New Form of Rehabilitation?* in Von Hirsch and Ashworth, *op.cit.*, pp.34-41.
[356] Report of the Advisory Council on the Penal System *Young Adult Offenders* London: H.M.S.O., 1974.
[357] Home Office *Youth Custody and Supervision* London: H.M.S.O.,1978.
[358] Thorpe, D., Green, C., Smith, D. *Punishment and Welfare: Case Studies of the Workings of the 1969 Children and Young Persons Act* Lancaster: Centre of Youth, Crime and Community; Centre of Social Administration; University of Lancaster 1980
[359] Thorpe, D. *Deinstitutionalization and Justice* in Morris and Giller, *op.cit.*, pp.74-87; Harris and Webb, *op.cit.*, pp.29-30.
[360] Thorpe, *op.cit.*.

infusing their respective institutions with a penal character, which would violate their sense of professional identity. There was also insufficient motivation for the local authorities to develop viable alternatives to custodial sentencing, as the central government had undertaken to meet the costs of custodial institutions in full[361].

Other reasons put forward for the failure of the 1969 Act include the lack of ministerial co-ordination between the Home Office and the Department of Health and Social Security, to which the Children's Department had been recently transferred. It was also of critical importance that no clear decarceration strategy was spelled out on the part of the criminal justice system until 1977. The upheaval caused by the establishment within local authorities of single departments of social services in 1970[362], as well as the redrawing of local authority boundaries in 1974, also need to be taken into consideration[363].

As a result, the decarcerating and destigmatising intentions of the Children and Young Persons Act 1969 spectacularly backfired. Custodial sentencing of juvenile offenders during the 1970s escalated at an unprecedented pace: a 130% increase in sentencing of under-21s to Prison Department Institutions is recorded between 1971 and 1977. During the same period, the proportion of male juveniles found guilty of an offence who received a supervision order fell by one third[364]: according to Rutherford, this decline was largely due to the reduced expectations of criminal justice staff as to the success of treatment interventions with young offenders[365]. Conversely, the corresponding proportion of male juveniles committed to residential and custodial care rose by one third[366]. Between 1971 and 1978, the number of young persons sentenced to detention centres and borstals increased at three times the rate of increase in indictable offences known to the police and twice the rate of increase in known offenders aged between 14

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[361] Rutherford, A. *A Statute Backfires: the Escalation of Youth Incarceration in England during the 1970s* London: Justice For Children 1980, p.10.
[362] Bringing together services for children, the elderly and handicapped persons.
[363] *Ibid.*, pp.5,9.
[364] Thorpe, *op.cit.*
[365] Rutherford, *op.cit.*, p.10.
[366] Thorpe, *op.cit.*

and 16[367]. Parker *et al.* argued that the enthusiasm of local police and magistrates for punitive disposals, and the absence of sentencing limits in the restructured Act, also lay behind this increase in custodial sentencing. Moreover, they pointed the finger at the dilution of the statutory requirement that the police consult social services departments and probation officers over cautioning and prosecution[368].

Associated with the decline of rehabilitation is the marked preference, in criminological, administrative and judicial circles, for *retributive* and *deterrent* penal sentences, in both Britain and the US[369]. This preference has been traced back to the influence of 1960s and early 1970s philosophical writings on the nature of retributive punishment[370]. It is possible that Matza's anti-determinist arguments[371] also paved the way for retributive theories[372]. J.Q. Wilson proposed that society should teach, through the resolute enforcement of law, that criminal behaviour is wrong, in the way it had already done with civil rights and political corruption. He concurred with Conservative arguments calling for support for the local police, the reversal of Supreme Court rules "handcuffing" criminal justice agencies and the reintroduction of the death penalty. Behind any criminal act, he stated, lay a *rational choice*, arrived at by a person who lacked inhibition, valued the excitement of breaking the law and possessed a low stake in conformity. Under these assumptions, a crime-attacking strategy, consisting of frequent street stops, use of police decoys as well as citizen patrols, held great promise, yet had not to date been tested[373].

Murray and Cox also believed that the offending boys in their study actively chose to commit their infractions, as against being led to them by their circumstances. These choices were guided by the boys' calculations of

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[367] Rutherford, *op.cit.*, p.1; Home Office, *Criminal Statistics for England and Wales 1971, 1978* London: H.M.S.O 1972, 1979.
[368] Parker *et al.*, *op.cit.*, pp.242-9.
[369] Rutherford, *op.cit.*, pp.11. The attack on rehabilitation was countered by the thesis that this sentencing rationale has never been seriously tested; hence, conclusions concerning its effectiveness are premature: see, for example, Rubin, S. *Crime and Juvenile Delinquency: A Rational Approach to Penal Problems* New York: Dobbs Ferry Oceanic Publications Inc. 1970, p.16.
[370] Von Hirsch and Ashworth, *op.cit.*, p.141.
[371] See above, Ch. II.
[372] Melossi, *op.cit.*
[373] cf. Wilson, *op.cit.*

the short-term costs and benefits to be derived from the offending act. To win the battle against crime, society thus needed to alter the offenders' short-term expectations of the benefit that would accrue to them by engaging in such behaviour and this would be best achieved through consistent, deterrent sentencing. Murray and Cox claimed that old-fashioned understandings about deterrence were validated by their research[374]. Similarly, in Britain, Wadsworth argued that crime, committed by a wide range of persons in society, was often a response to a particular impulse or opportunity, arising when the profits of offending behaviour were high and the risks low[375].

As far as official criminal justice policies are concerned, the incarcerating effect of the implementation of the 1969 Children and Young Persons Act in Britain has already been dealt with[376]. Section 15 of the 1972 Criminal Justice Act introduced the community service order, a non-custodial sentence principally based on a philosophy of desert and restitution[377]. The British criminal courts also pointed to the necessity for severe, deterrent sentences to be passed on violent criminal offenders. In *R. v Sergeant*[378], the Court of Criminal Appeal challenged the earlier orthodoxy that short prison sentences, offering minimal opportunities for substantial training and treatment while in custody, were of little value to criminal offenders. Such sentences were useful, the Court insisted, insofar as the recollection of the convict's prison experiences could in the future deter him from crime. In *R. v Hindle*[379], the defendant, an approved foster parent, was convicted of wounding and cruelty to a child. He was sentenced to three years and fifteen months' imprisonment respectively. These sentences were justified on grounds of retribution: it was felt that their severity adequately expressed the censure of British society towards behaviour of this kind. Long

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[374] Murray and Cox, *op.cit.*.
[375] Wadsworth, M. *Roots of Delinquency: Infancy, Adolescence and Crime* Oxford: Martin Robertson 1979, pp.122-5.
[376] See above.
[377] May, T. *Under Siege: Probation in a Changing Environment* in Reiner and Cross, *op.cit.*, pp.158-85, p.164.
[378] [1975] Crim. L.R. 173. The appellant, convicted of affray, had already spent, by the time of the appeal, four and a half months in prison. The Court varied his sentence, so as he could be immediately released.
[379] [1976] Crim. L.R. 322.

custodial sentences were also passed in *R. v Andrews and Others*[380] and *R. v Luttman, Hutson, Turner and Kent*[381], both cases of violent affray involving young men. The Court of Criminal Appeal openly justified its decision in the former case on grounds of general deterrence, claiming that, through these sentences, it meant to teach young men that violence of this sort would not be tolerated.

In the United States, the Nixon administration's "*War on Crime*" rested, according to Bernard, on the assumption that criminals were "*vicious and depraved maniacs who should be locked up for the protection of society*"[382]. The Nixon administration authorised the restricted application of preventive detention, the withholding of bail from defendants in possession of a criminal record and the expanded use of wiretaps and electronic bugs[383]. The hostility to indeterminate sentencing was marked by the institution of sentencing guidelines in Minnesota and Oregon. The sentencing guidelines did not automatically lead to heavier penalties; indeed, as has been pointed out, sentences passed in these states were modest by American standards[384].

Juvenile court legislation in the United States also bears traces of the retributive spirit of the era. The laws describing the purpose of juvenile courts were amended in many states to include the punishment of offenders. Mandatory sentences were introduced for designated felonies[385]. Judicial discretion over the severity of sentences passed and the possibility of a waiver to adult criminal courts was decidedly curbed[386]; the number of

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[380] [1971] Crim. L.R. 175. In this case, a group of at least thirty young men travelled from Birmingham to Worcester to avenge the stabbing of a Birmingham youth. They viciously attacked a public house there, causing a series of injuries and substantial material damage. They were sentenced to three years' imprisonment.

[381] [1973] Crim. L.R. 127. This case revolved around a gang fight on Chelsea Bridge. One of the participating youths was shot in the stomach.

[382] Bernard, *op.cit.,* p.149; as shall be seen below, a number of films produced during the 1970s appeared to share this viewpoint.

[383] Koerselmann, *op.cit.*, pp.259-62.

[384] Von Hirsch, A. *Proportionate Sentences: A Desert Perspective* in Von Hirsch and Ashworth, *op.cit.*, pp.168-179, p.176. However, it was alleged that fixed sentencing reform, originally designed to battle against sentencing disparities that prejudiced the disadvantaged, had now been stripped of its radical intentions and reproduced ideas about crime and morality that favoured the powerful. cf. Greenberg, D.F. and Humphries, D., *op.cit.*

[385] Feld, *op.cit.*, pp.72-3.

[386] For example, the Department of Corrections in Minnesota introduced determinate "length of stay" guidelines. The length of a sentence was calculated in relation to the seriousness of the offence presently adjudicated, as well as other "risk" factors concerning the juvenile defendant. More than twenty states amended their judicial waiver statutes, so that juveniles

waivers to criminal courts substantially increased. In some states, the death penalty was reintroduced for juvenile offenders. It has been alleged that, particularly in metropolitan cities, the juvenile court did not occupy itself with considerations of treatment, but with delivering harsh sentences to the more serious offenders, while their minor and status counterparts were filtered out of the court into the voluntary treatment agencies[387]. During the 1970s, the Supreme Court also proved reluctant to further extend the due process rights of juvenile defendants, acknowledged in the landmark cases of *Kent* and *Gault* in the previous decade[388]. In *McKeiver v. Pennsylvania*, it ruled against a juvenile defendant's right to a jury trial, claiming that would unnecessarily disrupt the informal, cooperative atmosphere of the juvenile court[389].

Reverting to the issue of the causes of crime, it has already been argued that the aforementioned criminologists and official criminal justice policies assumed that a calculated *choice*, on the part of the criminal, underpinned the offence. Only by assuming the offender's choice in committing a criminal offence can they solidly justify punishment in terms of desert. It should be added, however, that the writings of Wilson and Murray and Cox also demonstrate a lack of interest in the whole issue of the causes of crime. Wilson believed that modern Western democracies are unable or unwilling to modify the factors that bear the most direct influence on crime, such as family structure and contemporary ideas on personal freedom and morality. Hence it is politically feasible to concentrate on those that have only marginal impact, such as criminal laws, political and power strategies and government-created job programs[390]. In a similar vein, he justified his preference for selective incapacitation, on the basis of its lack of presuppositions about human nature[391]. The irrelevance of the search for the causes of crime to the task of controlling criminality was also explicitly

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who had committed offences of a certain gravity would be tried in regular criminal courts and receive sentences normally reserved for adult offenders. Cf. Feld, *op.cit.*, p.70-9.

[387] Bernard, *op.cit.*, pp.146-9.

[388] See Ch. II, a.).

[389] 403 U.S. 528. The ruling in *McKeiver* reflects the conservative ideology of two Nixon-appointed Supreme Court judges, Chief Justice Burger and Justice Blackman, who wrote the majority opinion: cf. Bernard, *op.cit.*, pp.123-7.

[390] Wilson, *op.cit.*, p.247.

[391] Wilson, J.Q. *Selective Incapacitation* in Von Hirsch and Ashworth, *op.cit.*, pp.113-20.

acknowledged in Murray and Cox's "*Beyond Probation*". The writers openly stated that they were searching for solutions to the problem of crime, which did not necessarily derive from the supposed causes of such behaviour[392]. It is evident why these writers have been alternately branded as "conservative" or "administrative" criminologists: unlike their radical counterparts, they are not interested in a fundamental change of society. For them, crime is an inevitable feature of modern liberal societies, more expediently tackled through a technological adjustment on the part of control agencies.

In the cinema, the backlash against the counterculture is best evidenced in what shall be termed as the "*vigilante*" films (*Dirty Harry*[393], its sequel[394] *The Enforcer*[395], *Death Wish*[396]). These films are grouped together, because a number of narrative similarities are identified in them.

In the first place, the narrative is set in a big, metropolitan city (New York in *Death Wish*, San Francisco in the other films), that is depicted as *overflowing* with "street" (stranger-to-stranger) crime[397] and vice. This is either expressly stated, as in *Death Wish*, where the citizens' central preoccupation throughout the film is with the increasing incidence of crime. Alternatively, it is intimated through the frequent depiction in these films of what Allen *et al.* have defined as "*background" or "contextual"* crime[398]: crime pictured in the film that is irrelevant to its capital narrative thread. Allen *et al.* claim that these recurrent representations of contextual crime succeed in transforming the audience's perception of criminal offending from

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[392] Murray and Cox, *op.cit.*, p.174. In a similar vein, Croft argues that, although there is scope for profound, revolutionary thought in the battle against crime, this should be not be used as an excuse to restrain pragmatic action and experiment, which would involve the individual citizen. cf. Croft, J. *Crime and the Community* H.O.R.S. no.50 London: H.M.S.O. 1979, p.8.

[393] *(1971, U.S., D. Siegel)*

[394] One of the many sequels of *Dirty Harry*. Others include *Magnum Force (1973, U.S., T.Post), Sudden Impact (1983, U.S., C.Eastwood).* Not all the popular "vigilante" films of the era are included in this research, but only those where the principal adversary of the vigilante protagonist is under thirty years of age: for the detailed selection criteria, see the Introduction.

[395] *(1976, U.S., J.Fargo)*

[396] *(1974, U.S., M.Winner)*

[397] It is recollected that the conservative criminologists also focussed their attention primarily on "*street*" crime: Wilson claimed that this was due to the realisation that street crime, through the fear it engenders, is the most disruptive to the community: Wilson, *op.cit.*, p.3.

[398] Allen, Livingstone and Reiner, *op.cit.*

a singular, abnormal intervention in an otherwise stable social order, into an all-pervasive routinised threat. The classic example of contextual crime is to be found in *Dirty Harry*, a film primarily concerned with Inspector Harry Callaghan's (Clint Eastwood) efforts to capture murderous extortionist Scorpio. In a specific scene, Inspector Callaghan is forced by Scorpio to walk a long distance across the city, within a defined time limit. He is delayed in reaching his destination by a group of muggers and a homosexual prostitute. Similarly, in a different scene, Inspector Callaghan interrupts his lunch in order to foil an armed robbery that is taking place across the street. In *The Enforcer*, the same character, while chasing a suspect, crashes through a roof, only to chance upon the shooting of a pornographic film.

The police, and the criminal justice system as a whole, are depicted as being engaged in a fully-fledged "*war*" against this ubiquity of offending behaviour. In *The Enforcer*, the wife of Inspector Callaghan's former partner expressly defines it as such, after her husband has been injured while on duty: "*It's a war, isn't it? I guess I never really understood it*". The character's statement echoes the terminology employed by the Nixon administration in issues of crime control[399]. A war, one should add, that the authorities are evidently losing. Crucially, this defeat is only partially attributed to the sheer volume of crime. Blame is also heaped upon the restraints imposed on prosecutors and the police by Supreme Court legislation protecting the civil rights of criminal defendants[400].

Hence it falls upon an individual citizen, a "*vigilante*" to make a stand against crime in these films. This person is acting outside the ambit of official criminal justice authorities. It is conceded that in *Dirty Harry* and *The Enforcer*, the character in question, Inspector Callaghan, is a member of the police force. He has, however, long been known for his unorthodox, authoritarian working methods, which have earned him the nickname "*Dirty Harry*". Because of these, he is constantly antagonised by his superiors in the force. Tellingly, in the final scene of *Dirty Harry*, he chases down and kills

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[399] Specifically Nixon's "*War on Crime*": see above.

[400] Again a point also made by conservative criminologists: see above. According to Cagin and Dray, *Dirty Harry* is an unsubtle attack upon the Supreme Court decisions in *Escobedo* and *Miranda*: see above, Ch. II, fn.195; Cagin and Dray, *op.cit.*, p.218; Boyer *et al.*, *op.cit.*, p.669.

Scorpio, while being *suspended* from police duty. Thereafter he symbolically throws his police badge into a puddle of water[401].

In his struggle against crime, the vigilante employs ruthless, brutal methods. His actions far exceed legal considerations of self-defence and reasonable force. Thus, in *Dirty Harry*, Inspector Callaghan, upon apprehending a criminal, often proceeds into an idiosyncratic game of Russian Roulette, in which the offender, facing the wrong end of Callaghan's revolver, is forced to guess whether the Inspector has used up all his bullets. In Scorpio's case, this game results in the offender's death. Curtis (Charles Bronson) in *Death Wish* is similarly prepared to kill the muggers who cross his path. Interestingly, however, it is these illegitimate, harshly retributive methods that prove the more effective: in the view of these films, treating criminals with a dose of their own medicine *works*. The audience are informed that Curtis' actions single-handedly succeed in creating a wave of general deterrence that reduces the crime rates of New York, as potential offenders turn away from crime for fear of coming across him. There is equally no doubt that Callaghan's unconventional approach to policing is more effective than that of his peers. This is neatly illustrated in the opening scene of *The Enforcer*. Rather than engaging with the other policemen in fruitless negotiations with a band of robbers who are occupying a grocery store, Callaghan storms into the shop and shoots at them.

The vigilante's highly retributive stance against criminals originally stems from his desire to avenge the victimisation of his own family from serious crime. The audience is informed quite early in *Dirty Harry* that Callaghan's wife was murdered. In *Death Wish*, Curtis reconsiders his "*bleeding-heart liberal*"[402] perspective on criminals, after a gang invades his home, rapes and murders his wife and sexually assaults his daughter. Partly in view of their troubled history, the vigilantes' actions in these films are portrayed as being, on the whole, morally justified. Criminal offenders, on the other hand, are consistently depicted as depraved and parasitic.

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[401] In their survey of crime films released in Britain since the Second World War, Allen *et al.* discovered that, after the mid-1960s, only in a tiny minority of films are policemen depicted as adhering to due process regulations: cf. Allen *et al.*, op.cit.

[402] An associate at work brands him thus in the opening scene of the film.

While punitive methods of handling criminal offenders are vindicated, rehabilitation is again discredited, despite the fact that in both *Dirty Harry* and *The Enforcer*, the principal offender perceptibly suffers from severe mental disorder. In the former film, Scorpio's motivation for his offences is ostensibly monetary: he murders a series of innocent people in order to extort money from the City of San Francisco. Yet there is little doubt that Callaghan is correct in assessing, after the murder of a 10-year old boy, that Scorpio kills "*because he likes it*". Notably, Scorpio lets his victim die, even though he has received the ransom he demanded. His nervous tics and generally awkward behaviour are also potent indicators of his psychologically disturbed state. In a similar vein, in *The Enforcer*, the demented leader of a leftist militant group employs "*revolutionary*" language to justify his actions. The sincerity of his commitment to left-wing ideals is, however, severely questioned. His professed beliefs appear to be a front for his disturbed behaviour; he is depicted as finding great enjoyment in murdering a policeman[403].

However, the treatment of psychopathology in these films is full of ambiguity and paradox. In the first place, in neither of these films is psychiatric treatment presented as an option for these offenders. They are portrayed as fundamentally irredeemable, to be exterminated before they inflict more harm on society: both films end with the death of the offender at the hands of the police. Furthermore, although these offenders demonstrably suffer from acute mental distress, they are, following the viewpoint of these films, to be held *accountable* for their actions and to be punished accordingly. Callaghan perfectly exemplifies this attitude in *Dirty Harry*, when he alternately brands criminal offenders as "*nuts*" and "*punks*". It is probably inevitable that a subtle investigation into psychological maladjustment would not be essayed in films, in which a serious distrust of psychiatric terminology is also recorded. In *Dirty Harry*, Callaghan jokingly refers to the supposed cause of the robbers' criminality: "*Must have something to do with their superego*". It can be concluded that extreme

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[403] After 1974, a heightened tendency, on the part of cinematic criminal offenders, to employ gratuitous and sadistic violence has been noted: cf. Allen *et al.*, *op.cit.*

psychopathy is employed in these films as a means of putting across the absolute, irredeemable evil of the offenders in non-metaphysical terms.

In *Death Wish*, the offenders are not characterised as mentally unstable in any instance. Yet, it is unclear how else the behaviour of the gang that invades Curtis' home can be classified, being wildly aberrant from any civilised standard of behaviour. The members of the gang are depicted as being in a constant search of opportunities for criminal behaviour. Initially, they follow Curtis' wife to her flat in order to rob her. When they discover she only has 7$ in her possession, they swiftly change their plans and proceed to rape and murder her. The gang members are portrayed as equally irredeemable as the mentally disturbed offenders described above and they also suffer extermination at the film's end. It thus becomes evident that, in the "vigilante" films as a whole, the distinction between mental disturbance and moral depravity is heavily blurred. As in the conservative criminological writings of this period, the issue of the causes of crime is largely overlooked, while the effectiveness of punitive methods at controlling crime is highlighted. Control of the increasing volume of crime, rather than its understanding, is presented as the higher social priority; this links well with the perception of the fight against crime as a "war" in both the films and contemporary social developments.

Equally problematic is the treatment of countercultural ideals in these films, particularly in *The Enforcer*. As mentioned above, in this film, Inspector Callaghan's principal adversary is a quasi-hippie, radical militant group, whose members claim that their violent crimes are committed for the sake of "*the people*". However, the leader of a different, black militant group is unequivocal in his dismissal of the formers' revolutionary pretences: "*They don't believe in that shit*". However, the ideologically suspect association between left-wing politics and criminal activity has already been forged by then. This association is reinforced upon the revelation that a priest who conducts criminal rehabilitation programs is an accomplice of the group. It deserves to be mentioned that even the black militant leader, who utters the statement above and whose commitment to Black Power is portrayed as genuine, is depicted as having adorned his headquarters with furniture seized from burglaries committed by his subordinates. In the same scene, the latter

also threaten Callaghan's female partner with sexual assault. Finally, in *Death Wish*, revolutionary language and motives are again misused, when one of the rapists of Curtis' wife boasts: "*I kill rich cunts*".

The discussion of the "vigilante" films produced in this decade would not be replete without a reference to *Taxi Driver*[404]. It needs to be stressed from the outset, however, that this film is included in the study by virtue of its relatively brief depiction of 13-year old prostitute Iris (Jodie Foster). *Taxi Driver* seizes the approach of the "*vigilante*" films and turns it on its head. In this film, it is not the criminal offenders who suffer from psychological problems but the vigilante himself: lonely, disjointed taxi driver Travis Bickle (Robert De Niro). Violently obsessed with cleaning the city from the malevolence and dishonesty he sees around him, the "taxi driver" of the title hatches the plan of liberating Iris from her ruthless exploiters. Near the end of the film, he storms into the brothel fully armed, murders Iris' exploiters and then unsuccessfully attempts to commit suicide. His actions are ultimately rewarded by a thank-you letter he receives from Iris' parents, to whom she has returned, as well as by positive coverage in the media.

Nonetheless, it remains clear throughout the film that we are not meant to see Travis in a heroic light. His motives are categorically questionable. Although he claims, while preparing for Iris' liberation, that his "*whole life pointed to* [this] *direction*", only a few days earlier he was equally decided on assassinating an electioneering presidential candidate, primarily because one of the latter's female campaign workers rejected him.

It is noticed, however, that some of the contentious points made in the "vigilante" films are validated in *Taxi Driver*. New York is once more depicted as being in the grips of crime and vice; though it has to be acknowledged that a significant portion of the film, particularly its hellish scenes of New York at night, appears to have been constructed upon the protagonist's disturbed gaze. The criminal offenders Travis wishes to punish, especially Iris' pimp, are once again drawn as vile, depraved creatures, with no redeeming features: the "*worst sucking scum*", as Travis calls him. Finally, countercultural permissiveness, and the state of society it left behind,

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[404] *(1976, U.S., M.Scorcese)*

is subtly commented upon in the scene where Travis seeks to convince Iris to abandon prostitution and return to her family. "*You're **square***", she retorts, using a term frequently employed by countercultural youth against an older generation that abided by social conventions. "*Oh, I'm square? You're the one that's square*", he responds.

Play Misty for Me[405] also shares the "vigilante" films' viewpoint on the causes of crime. In this film, a promiscuous disc jockey enjoys a casual sexual affair with a woman he meets in a bar. However, when the latter's deeper affections are spurned, she transforms into a murderous, psychologically disturbed villain, who terrorises the disc jockey, his maid and his long-term girlfriend. In this film, a more routine, everyday emotion is the source of the offender's mental disturbance; namely, her emotional insecurity. Such was not the case in *Dirty Harry* and *The Enforcer*. This does not mean, however, that the offender in *Play Misty for Me* is depicted as any less irredeemable and revolting. In the concluding scene of the film, we learn that she had just been released from a State Sanatorium, which has evidently failed in treating her disorder. Finally, it is obvious that one of the social developments indelibly associated with the emergence of the 1960s counterculture, the burgeoning of sexual permissiveness, comes under heavy criticism in this film[406].

b.) The Legacy of the Counterculture

i.) The Consolidation of its Expressive Philosophy

Simultaneously with the aforementioned backlash against countercultural ideals, a consolidation of the expressive, self-idealising philosophy put forward during the 1960s is witnessed in the period under

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[405] *(1971, U.S., C.Eastwood)*

[406] The dangers of promiscuous sexual encounters are also illustrated in *Cruising (1980, U.S., W.Friedkin)*. In this film, a psychologically disturbed murderer meets his prospective victims in bars frequented by homosexuals. Having isolated them in cheap hotels, he proceeds to brutally murder them. As in the vigilante films, the offender's psychopathy, originating in his troubled relationship with his father -see below, fn. 476- is portrayed as irredeemable. Furthermore, the neighbourhood in which the gay bars are located is depicted as overflowing with homosexual prostitution: a couple of local policemen recollect how they used to play as children on the streets where the prostitutes are now soliciting."Vigilante" films are also encountered in the early years of the1980s. See, for example, *Death Wish II (1982, U.S., M.Winner)*, *Vigilante (1983, U.S., W.Lustig)*; and *Class of 1984 (1982, U.S.,*

examination. Indeed, it has been questioned whether it is appropriate to speak at all of a "counterculture" in the 1970s, as, by the middle of the decade, many of its methods and messages had been fully appropriated into the cultural mainstream[407]. Martin details how, particularly within the restricted sphere of leisure, a vastly expanded range of "liminal"[408] practices was tolerated[409]. Drug use and promiscuity exploded on both sides of the Atlantic during the 1970s, as the masses joined in the uninhibited search for individual pleasure instigated by the young[410]. Rising rates of divorce, unconventional households, voluntary childlessness and single parenthood are commonly summoned up as evidence of this newly found latitude[411]. Within this tolerant climate, sociologists often cast a sympathetic eye on the activities of various subcultures, even when these crossed the boundaries of legality[412].

Mention must also be made of the growing popularity of "human potential" groups during this period. These affiliations connected with veterans of the expressive wing of the counterculture by promising to their adherents, through the exercise of mystical disciplines such as Zen and Est, the rewards of enlightenment and expanded self-expression[413].

The consolidation of the expressive ideals of the counterculture is reflected in a large number of films produced during the 1970s, where crime and delinquency are depicted as being the natural and proper outcome of man's desire for recreation and self-expression.

Significant narrative similarities are identified in three of these films (*Grease*[414], *American Graffiti*[415], *National Lampoon's Animal House*[416]). In

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M.L.Lester), where a high-school teacher takes the law in his own hands in order to bring a particularly vicious and violent student to justice.

[407] Campling, E. *The 1970s: Portrait of a Decade* London: B. T. Batsford Ltd.1989, pp.4-5. Martin notes how previously esoteric motifs of the counterculture were now adopted across the whole of society, specifically mentioning the anti-hierarchical rhetoric and disruptive political tactics of 1960s radical groups, as well as the increasingly explicit representations of sexuality in the arts and the media: Martin, *op.cit.*, pp.16, 21-4.

[408] See also above, Ch.II, **b.)**.

[409] *Ibid.*, p.244.

[410] Farber, *op.cit.*, p.267.

[411] Martin, *op.cit.*, pp.241-2; Marwick, *op.cit.*, pp.249-51.

[412] See for example, Willis, *op.cit.*

[413] Tipton, *op.cit.*, p.30.

[414] *(1978, U.S., R. Kleiser)*

the first place, the narrative in all three of them is set in the near past, between the late 1950s and the early 1960s. Additionally, an intense mood of nostalgia for this era is traced within them. Their portrayal of pre-Vietnam, pre-Watergate America eloquently clashes with the treatment of contemporary society in the remainder of films discussed in this chapter[417]. This is unsurprising, given that only a certain degree of pessimism over the present state of affairs would spark such a rush of nostalgia for a bygone era[418]. Secondly, the alienating metropolitan milieu of the "vigilante" films is forsaken in favour of small, tightly knit communities, where nearly every character appears to be acquainted with each other. Specifically, *American Graffiti* is set in a minor Californian town; *National Lampoon's Animal House*, on a college campus; *Grease*, chiefly in a high school and the adjacent recreation facilities frequented by the students[419]. Predictably, in communities of this kind, no especial concern over "street" crime or vice is recorded. Finally, the delinquent protagonists of these motion pictures are placed in a specific rites-of-passage environment: high school (*Grease*), college (*National Lampoon's Animal House*), or the brief interim between the two (*American Graffiti*).

The principal similarity between these films, however, is that, in all three of them, the delinquent protagonists are portrayed in a markedly *positive* light: their behaviour is presented as normal and even *commendable*. It is argued that this favourable depiction of delinquency is facilitated by the common features identified in the narratives of these films that were discussed above.

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[415] *(1973, U.S.,. G.Lucas)*
[416] *(1978, U.S., J.Landis)*
[417] See particularly Ch.III, **a.)**.
[418] Nostalgia was one of the dominant themes in the artistic output of the 1970s: Campling, *op.cit.*, pp.4-5. Many factors contributing to the pessimistic outlook in Western societies during the 1970s have been or will be detailed: the moral panic over crime and disorder; the disillusionment with the effects of countercultural permissiveness; and the revelations about corruption in high office: see above, Ch.III **a.)**, and below, **b.), ii.)**. To these the economic crisis must be added. Both the British and American economies were plagued during this period by a combination of rising inflation and low growth and productivity (a phenomenon summed up as "*stagflation*"). This resulted in the loss of their competitive edge and – particularly in Britain- in spiralling unemployment. All these problems were exacerbated by the 1973 oil crisis. Marwick, *op.cit.*, pp.184-6; Boyer *et al.*, *op.cit.*, pp.695-6.
[419] For example, a burger restaurant, or a drive-in movie theatre.

In the first place, many of the infractions the central characters commit in these three films can be described as an extension of the prevailing nostalgic mood. These offences are time-specific, in the sense that they are strongly associated in public perception with the era in which the films are set. The illegitimate "*hot rod*" racing in *Grease* and *American Graffiti,* and the momentarily threatened "*rumble*" between two rival gangs in the former film, are two pertinent examples. Ironically, the association between these offences and the late 1950s-early 1960s era has to a large extent been forged by *motion pictures* produced during this period, such as *Rebel Without A Cause* and *West Side Story*[420]. Furthermore, it has already been elaborated, in relation to *Bonnie and Clyde*, why it is easier for audiences to accept a favourable cinematic depiction of criminal and delinquent behaviour, when the narrative is set in the past[421]. It can also be argued that viewers are more likely to be forgiving of misbehaving antics on the part of a cinematic character, when the latter is depicted as going through a specific rites-of-passage phase.

It is interesting, nonetheless, that these films appear to hanker back to an era when crime and delinquency were generally not perceived as posing a serious threat to the stability of society, in spite of the moral panic over juvenile delinquency which swept Western countries in the late 1950s. Granted, the offences the protagonists of these films commit are normally not particularly serious or violent. When they are, as in *National Lampoon's Animal House*, where the delinquent Omega fraternity vandalises a whole town while disrupting its annual parade, the audience is not rendered aware of the full extent of the damage caused, due to the comedic spirit of the film. Crucially, no serious *physical* harm to victims is shown to take place either, even though its infliction would be guaranteed in a disturbance of this scale. It was, however, the *trivial* offences depicted in *Grease* and *American Graffiti*, the illegitimate races and the inconsequential fights, that caused such societal and parental alarm back in the 1950s; an alarm that is faithfully recorded in the films of that era[422]. In the films of the 1970s, the very same

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[420] See Chs. I, II.
[421] See Ch. II.
[422] See Ch.I.

offences are treated as essentially *harmless*. Characteristically, in *Grease*, even the high school authorities view the delinquents as little more than a nuisance. The moral panic over juvenile delinquency is, however, playfully alluded to, when the headmistress announces that the FBI is investigating the students' exhibition of their backsides during a televised school dance.

It is contended that this transformation in the cinematic treatment of offences of *equal* gravity, which are additionally pictured as taking place during the *same* era, can be accounted for in three ways. In the first place, it is likely that the aforementioned nostalgic mood of the 1970s films has tainted their representation of late 1950s-early 1960s delinquency. In other words, the films' rose-tinted view of this era glosses over the actual threat posed at the time to the stability of society by this type of offending behaviour. Secondly, it is self-explanatory that the 1970s films have been informed by later developments. The makers and the audiences of the 1970s films were retrospectively aware of the hyperbole characterising the 1950s moral panic over juvenile delinquency. American society was far from disintegrating in the 1950s. By comparison, the contemporary scene appeared exceedingly more at risk of moral and social collapse. In a world that had grown accustomed to viewing -at least on the cinema screen- youthful offending of a far *wider* range[423], it is to be expected that the playful antics of the central characters in *Grease* and *American Graffiti* would be looked at with mere amusement. A *desensitisation* to minor forms of delinquency is thus detected. Above all, however, the perceived transformation in the cinematic treatment of delinquency between the 1950s- to early 1960s films and their 1970s counterparts can be attributed to the visible influence that the ideals of the 1960s counterculture had on social attitudes in the 1970s. Seeds of the expressive, self-idealising philosophy of the counterculture are found in the films' treatment of deviant activity; furthermore, the aforementioned tendency, in American and British society during the 1970s, to cast doubts on the benevolence of authority is replicated in the films examined.

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[423] See, for example, the 13-year old prostitute in *Taxi Driver*: see above, Ch.III, **a.)**.

As stated above, in *American Graffiti*, *National Lampoon's Animal House* and *Grease*, the predominantly minor offences perpetrated by the protagonists are construed as being the natural and proper outcome of the young characters' drive for recreation and self-expression. In *American Graffiti*, Kurt (Richard Dreyfuss) a scholarship student, is initially coerced into spending his last night before leaving for college with the delinquent gang of the "*Pharaos*". He comes to their rescue, however, when they are caught robbing a games arcade, using his impeccable reputation to convince the shop owner of the gang's innocent intentions; thereafter he distracts the owner, while the gang breaks into the pinball machines. Having been won over by the thrills of transgressing behaviour, he plays a leading part in the "*Pharaos*"' next venture: the destruction of a police car.

The recurrent scenario of the female character who grows romantically attracted to a criminal or delinquent hero is revisited in the 1970s films. In *National Lampoon's Animal House*, the college Dean puts all his efforts into expelling the rowdy Omega fraternity from the campus. At the same time, both his wife and his daughter sneak out of the house to attend an Omega "*toga*" party. They also strike up sexual liaisons with members of the fraternity.

In *Grease*, Sandy (Olivia Newton John) is initially repelled by the antics of the "*Thunderbirds*" gang, to which summer romance Danny (John Travolta) belongs; as well as by the sexually liberated behaviour of girl friend Rizzo (Stockard Channing). By the end of the film, however, she has concluded that it is *her own* prim, unadventurous style of living that is in need of change. In the song "*Look At Me, I'm Sandra Dee (reprisal)*", Sandy rejects her "*wholesome and pure...but scared and unsure*" self, in favour of the chain-smoking, leather-clad, provocative identity she assumes in the final scene of the film. The point should not be missed that, through this transformation, Sandy earns both fulfilment and *normality*. Her peers enthusiastically receive her makeover; the days that Sandy was ridiculed by Rizzo for her virginal attitude have been firmly left behind.

The characterisation of cinematic delinquents as popular and attractive figures within a school environment is not a novel phenomenon. In *Rebel Without A Cause*, both Jim (James Dean) and Judy (Natalie Wood) were

depicted as such[424]. Nonetheless, it is worth recollecting that, in this film, the essential *abnormality* or *pathology* of these characters' behaviour was never thrown into question, not even by the offenders themselves. In the films of the 1970s presently examined, this approach is notably reversed. It is *conformity*, shutting oneself out of the possibilities for self-expression and recreation proffered by deviance, which is now considered to be abnormal. Thus the archetypal "A" student in *Grease* is a figure of ridicule, as is the prominent school athlete and the involved aspirant for the class presidency.

In *National Lampoon's Animal House*, the members of the ostensibly upstanding Delta fraternity are the self-serving, corrupt lackeys of the corrupt college Dean. With the sanction of authority, they commit offences far more violent and reprehensible than those attributed to the "delinquent" Omega fraternity. In a specific instance, roughly a dozen of them savagely batter the unsuspecting Stratton (Tim Mathieson), president of Omega, in order to avenge his affair with the girlfriend of their own president. Ultimately, however, the most damning indictment of these characters' behaviour is to be found in their manifest inability to enjoy themselves in the manner of their delinquent rivals. Characteristically, while Stratton engages in a series of sexual conquests, his Delta counterpart is portrayed as sexually impotent. It is conceivable that the Delta members' complicity in the repression of the Omega fraternity is motivated by the formers' subterranean envy for their rivals' carefree, hedonistic lifestyle.

It is not even proposed that the Delta members' conformity will be rewarded in the long term. At the end of *National Lampoon's Animal House*, the fate of the various characters several years after they left college is chronicled. It transpires that nearly all the Omega members have, in spite of their bad grades and blemished college records, assumed respectable, albeit ironically fitting, positions within society. For example, the womanising Stratton has become a Beverly Hills gynaecologist; Bluto (John Belushi), the most intractable case, who has failed to graduate in seven years of study, has

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[424] Jim, a newcomer to the school, is not initially very popular. However, his principal rival, the delinquent subsequently killed in the "*chickie*" race, quite certainly is. Not all delinquents were depicted as being popular in school in the 1950s films. See, for example, *The Young Stranger*, where the protagonist, after his altercation with the cinema manager, becomes an outcast.

been elected a United States Senator. By way of contrast, one of the leading members of Delta has been killed in the Vietnam War, tellingly by his *own* troops; and the Delta president has been imprisoned in connection with the Watergate scandal.

These films' insistence upon the expressive qualities of delinquent behaviour renders them the natural heirs to the 1960s films that concentrated on the same theme[425]. A significant divergence is detected, though. In the 1960s films (see, for example, *Easy Rider* or *Bonnie and Clyde*), this theme was frequently accompanied by a *political* critique of society. No such critique is essayed in *Grease* or *American Graffiti*. Indeed, to a degree, these pictures can be described as politically reactionary: their rose-tinted recollection of the late 1950s-early 1960s era largely precludes any possibility of questioning the state of society at that time.

A slight exception to the above can be found in *National Lampoon's Animal House*. In the first place, a connection is made in this film between the hedonistically oriented revolt of the Omega fraternity, supposedly taking place in 1962, and the politically inspired campus confrontations that were to follow. It is revealing that in the final scene of the scene, the Omega members disrupt a town parade of decidedly *nationalistic* flavour. Furthermore, the deeply hostile treatment of authority figures in this film has to be noted. The aforementioned sly reference to the Watergate affair[426] is further testament to the film's anti-conservative stance.

The two films that were expressly influenced by the "*punk*" music and fashion movement, *The Great Rock and Roll Swindle*[427] and *Rude Boy*[428], also treat crime and delinquency as commendable behaviour. Both these films are quasi-documentaries recording the lives and performances of two prominent punk rock groups -*The Sex Pistols* and *The Clash*, respectively- with an added fictional element. In *The Great Rock and Roll Swindle*, each member of the Sex Pistols is given a criminal pseudonym -for example, "*the Embezzler*"- and a criminal history. Furthermore, a significant portion of the film is dedicated to an encounter between two members of the band and

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[425] See above, Ch. II, **b.)**.
[426] See below Ch. II, **b.)**.
[427] *(1979, G.B., J.Temple)*

notorious fugitive Ronnie Biggs. In this scene, Steve Jones, the *Sex Pistols* guitarist, enthusiastically recounts his past experiences as a "*cat burglar*". In a similar vein, in *Rude Boy*, members of *The Clash* are arrested and fined for shooting from a rooftop at a flock of pigeons. The manner in which this factual incident is committed on film suggests the group prided themselves in being associated with such behaviour. It should not be overlooked, however, that the embrace of criminality in these films appears to be primarily motivated by a desire, of both the filmmakers and the punk groups, to shock their audience. This is the rationalisation behind using a Myra Hindley photograph on a *Sex Pistols* poster, recorded in *The Great Rock and Roll Swindle*. The embrace of criminality by "punk" culture cannot be rationalised as a simple transference of countercultural ideals. Certainly the explosion of this movement onto the music and fashion scene was facilitated by the expanded tolerance for self-expression accorded by the counterculture. At the same time, "punk" can also be construed as a reaction against the "*square old guilty adult*" world: the liberal, once-rebellious 1960s youth, who had now been absorbed into the mainstream and whose mentality was perceived by alienated working-class youth just as repressive as that of the pre-countercultural establishment. The "punk" groups proffered their raucous, no-skills, heavily confrontational music as an alternative to the stylised contrivances and remote attitude of the ageing 1960s rock stars, as well as to the anodyne pleasures of disco music[429].

Thunderbolt and Lightfoot[430] and *Goodbye Pork Pie*[431] also illustrate the opportunities for excitement and self-expression inherent in transgressing behaviour. Both of these films focus on, what will be termed as, "*larger than life*" characters: individuals whose behaviour borders between the extrovert and the sociopathic, and whose offending is depicted as being a natural extension of their overabundant *joie de vivre*. In the former film, Lightfoot (Jeff Bridges) is a young orphaned petty offender, who organises, along with experienced criminal Thunderbolt (Clint Eastwood), a major bank robbery. In *Goodbye Pork Pie*, the protagonist comes across a misplaced wallet;

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[428] (*1980, G.B., J.Hazan/D.Mingay*)
[429] Cf. Martin, *op.cit.*, pp.176-7.
[430] *(1974, U.S., M.Cimino)*

inside it is a driving licence, "*a ticket to a lifestyle* [he's] *never had*". He rents a car with this licence and travels, along with an older man he meets and a female hitch-hiker, across New Zealand, selling parts of the rented car in order to finance the trip. Both of these characters face an unfortunate ending. A former associate of Thunderbolt beats Lightfoot to death; Jerry is ultimately apprehended by the police. The ending serves as a reminder that the characters' uncompromising, extremely individualistic stance cannot be durably accommodated within society, but it also reinforces the offenders' heroic status: "*I feel proud of myself...like a hero*", Lightfoot declares before dying.

ii.) The Transmutation of the Radical Philosophy of the Counterculture

Countercultural radicalism waned, especially after the first years of the 1970s. Veterans from the student movements of the 1960s now entered what came to be branded as the "*alternative culture*": an affiliation of various societal groups, which focussed on achieving their own specific, individual purpose[432]. Gone was the optimism that the whole of society could be transformed, as in Marxist thought. Thus, during the 1970s, in both Britain and the United States, political activism primarily emanated from single-issue pressure groups defending the rights of *inter alia* sexual, racial or national minorities, the environment, prisoners and vulnerable children[433]. Also fitting within this pattern of single-issue campaigns was the extensive trade union activity in Britain during the 1970s[434]. The proliferation of all these groupings, and single-purpose campaigning in general, has been attributed to the collapse of the temporary coalition between radicals against the Vietnam War[435]. It might also be claimed that the dedication to these groups with their limited aims is yet another sign of the pessimism of the era in regard to the potential for radical change of the society[436]. Above all, it is

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[431] *(1981, New Zealand, G.Murphy)*

[432] Stevin, A. *The Seeds of the 1970s* Hanover: University Press of New England 1985, pp.2-4.

[433] *Ibid*; Gitlin, op.cit., p.424-6.

[434] Tipton, *op.cit.*, p.30.

[435] Hewison, *op.cit.*, p.163.

[436] Gitlin, *op.cit.*, p.424-6. The aforementioned "human potential" groups, which focussed on personal fulfilment and expression, without reference to a larger political ideology, are yet another example of the mushrooming of small affiliations during the 1970s. A similar point

undoubted that these amalgamations are evidence of a fragmentation of Western culture. If it is not appropriate to speak of a *counterculture* in the 1970s, it is equally obfuscating to refer to a *mainstream* culture during this period, as Western societies appear to be divided in several groups, each seeking to promote their own interests.

An important legacy of the radical countercultural spirit was, however, the willingness, exhibited during the 1970s, to question the legitimacy and the benevolence of authority[437]. This came to a climax in the United States, after the revelation that senior aides to President Nixon were personally involved in an illegal operation to wiretap telephones at the Democratic National Committee headquarters in the Watergate apartment-office complex in Washington in June 1972[438]. Within this climate, it comes as no surprise to discover that pressure group campaigns often crossed the border of legality into order-defiance. The proliferation of urban terrorism in Western nations during the 1970s conforms to this pattern[439].

In the field of criminology, however, the radical politics of the counterculture, and the confrontations that took place in the United States, Britain and France during the late 1960s, inspired a new generation of criminologists to put across a novel perspective on criminal behaviour and the criminal justice system. "*Radical*" or "*Critical*" criminology utilised many of the insights offered by labelling theory, combining them with an austerely Marxist critique of capitalist Western societies. Its prominence during the 1970s was facilitated by the extant Marxist tradition in academia and politics[440].

Radical criminologists claimed that the confrontations of the late 1960s had thrown severe doubts on the "consensus" view of society. In their opinion, the legal system was organised to serve the interests of the ruling

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can be made in respect to the increasingly influential conservative moralistic organisations discussed in section **a.)** of this chapter. The latter evidently drew their supporters, however, from very different segments of the population.

[437] Martin, *op.cit.*, p,23.

[438] Boyer *et al.*, *op.cit.*, pp.698-700. Marwick records disenchantment in Britain as well with the multiplied revelations of cases involving corruption and conspiracy on the part of members of the civil service, the government and the police: Marwick, *op.cit.*, p.252.

[439] Campling, *op.cit.*, p.3.

[440] Young, J. *Radical Criminology: the Emergence of a Competing Paradigm* in Rock, *op.cit.*, pp.159-83, p.169.

industrialist class against the possibility of revolt by the oppressed, working-class masses[441]. In the light of this, crime was to be interpreted as a legitimate reaction on the part of working-class individuals against their subordination by the capitalist social structure[442]. Alternatively, it was received as an undesired consequence of the ethos of fierce competition over scarce resources advanced by capitalism[443]. It was further alleged that the subordinated classes were no more or less deviant than the rest of the society, yet the criminal justice system focussed exclusively on them, so as to marginalise them and thus deprive them of their political voice[444]. The problem of crime would only be solved once capitalism was abandoned and socialism took its place. In accordance with Marxist theory, the state would then gradually "*wither away*", and so would the criminal justice system[445]. In any case, society, having resolved the class conflicts arising from the inequities of capitalism, would then be free from the need to criminalise deviance[446]. The citizens would retrieve the function of social control from the alien and oppressive institutions that now possessed it and would, ideally, resort to self-policing in a spontaneous form for the enforcement of the altogether much-relaxed societal norms[447].

A potent distrust on the part of radical theorists towards traditional, deterministic criminology and rehabilitative criminal justice policies is recorded. In their view, traditional, consensus-based criminology only served to legitimate and mask the true oppressive nature of current social

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[441] cf. eg. Quinney, R. *Criminal Justice in America* Boston: Little, Brown 1974, p.24; Taylor, I., Walton, P. and Young, J. *The New Criminology: For a Sociological Theory of Deviance* London: Routledge and Kegan Paul 1973, pp.237-82; Taylor, I., Walton, P., and Young, J. (eds.) *Critical Criminology* London: Routledge and Kegan Paul 1975, Editors' Introduction, p.1; Quinney, R. and Wildeman, J. *The Problem of Crime: A Critical Introduction to Criminology* New York: Harper and Row 1977; Box, *op.cit.*, pp.48-9.

[442] cf. eg. Taylor, Walton and Young (1973), *op.cit.*, pp.269-78.

[443] Gordon, D.M. *Capitalism, Class and Crime in America* Crime and Delinquency 19 (April 1973), pp.173-86.

[444] Box, *op.cit.*, pp.52-3, 199-200.

[445] Young, J. *Working-Class Criminology* in Taylor et al., pp.63-94; Quinney, R. *Crime Control in Capitalist Society: a Critical Philosophy of Legal Order* in *Ibid.*, pp.181-202.

[446] Taylor, Walton and Young (1973), *op.cit.*, pp.281-2; Taylor I., Walton, P. and Young, J. *Critical Criminology in Britain: Review and Prospects* in Taylor *et al.* (1975), pp.6-62, pp.20-3.

[447] Stenson, K. and Brearly, N. *Left Realism in Criminology and the Return to Consensus Theory* in Reiner and Cross, *op.cit.*, pp.222-47, p.232.

arrangements and, along with it, the criminal justice system[448]. The willingness to see the offender as a disturbed, determined creature, lacking conscious will, was seen as a systematic attempt by capitalism to dehumanize and thus disempower members of the subordinated classes with disruptive potential[449]. During the same period, Foucault demonstrated that the failure of the prison to reform offenders was openly acknowledged since the inception of the institution. However, the continued existence of the prison could be attributed, according to Foucault, to the fact that the institution served the interests of the powerful. Foucault particularly noted how prison, by solidifying the inmates' commitment to deviance, transformed the "popular illegals" of pre-industrial societies into incorrigible, anti-social and dangerous "delinquents" from whom the remainder of society, including the "respectable" working classes, demanded protection[450].

The radical theorists' viewpoint on the causes of crime emphasised that, behind every criminal act, lay a conscious and rational choice by the offender, who found himself severely constrained by the iniquities of the social structure[451]. Taylor, Walton and Young interpreted criminal activity as a conscious assertion of human diversity in the "*prisons that are contemporary society and in real prisons*"[452]. Paying heed to contemporary revelations about the misconduct of those involved in high office, radical theory contrasted their conception of the "good man", who would not have caused suffering through his crimes but for the interference of civilisation[453], against the corrupt nature of state institutions[454]. Indeed, this romanticising treatment of frequently predatory lawlessness would prove to be one of the

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[448] Taylor, Walton and Young (1973) *op.cit.*, pp.237-82; Taylor, Walton and Young (1975), *op.cit.*, pp.6-7; Quinney and Wildeman, *op.cit.*, p.138.
[449] Young, *op.cit.*(1988), p.162; Box, *op.cit.*, pp.147-9., 239-40.
[450] Foucault, *op.cit.*
[451] Taylor, Walton and Young (1973), *op.cit.*, pp. 281-2; Taylor, Walton and Young (1975), *op.cit.*, pp.6-7
[452] Taylor, Walton and Young, *op.cit.*, p.266-7.
[453] Young, *op.cit.*, (1975), p.69.
[454] Including, of course, criminal justice agencies: cf. Chambliss, W.J. *The Political Economy of Crime: a Comparative Study of Nigeria and the United States* in Taylor *et al.*, *op.cit.* (1975), pp.167-80; Taylor et al. (1973), *op.cit.*, p.278.

themes of radical criminology, which "left realism" would subsequently take issue against[455].

However, it also deserves to be mentioned that, perhaps predictably, the academic prominence of radical theory did not translate to a sizeable influence on official criminal justice policy. This is partly due to the fact that many of its ideas were inapplicable in the Western political system of liberal democracy. These ideas, however, inspired the younger wave of Labour politicians, who rose to office in the inner-city local authority strongholds during the end of the decade[456].

A different group of films bears the influence of radical countercultural ideology, as these mutated during the 1970s. These films question the benevolence of state authorities, as well as the moral obligation to obey the criminal law in all situations. In agreement with radical criminological theory, they depict offenders as engaging in criminal acts through their own choice; this choice, however, is shown as being severely constrained by the individual's position in the social structure. Finally, it is significant that criminal offenders are not depicted in these films as seeking to challenge or alter the existing state of society, as their counterparts had done in certain films of the 1960s[457]. Rather, they are pursuing, through their offences, a narrowly personal aim. To a degree, this can be said to mirror the demise of the radical student movement in the 1970s, with its all-encompassing Marxist perspective on society, and the proliferation of activist organisations that focussed on more limited, individual goals[458].

In *Sugarland Express*[459] and *Dog Day Afternoon*[460], the offenders -in both cases, the film's central characters- choose to commit a criminal act, in order to achieve a specific purpose that they evidently consider more valuable than upholding the law. In the former film, Lou Jean (Goldie

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[455] See below, ch. IV. Certain sections of the prison reform movement, which blossomed in the United States after the violent repression in 1971 of a riot in Attica prison, also subscribed to an idealising view of convicted offenders, claiming, in Marxist terms, that they were the "*real lumpenproletariat*". Gitlin, *op.cit.*, pp.421-3.

[456] Young, *op.cit.* (1988), p.170.

[457] See Ch. II, **a.)**.

[458] See above.

[459] *(1974, U.S., S.Spielberg)*

[460] *(1975, U.S., S.Lumet)*

Hawn), a young mother just out of prison herself, assists her husband Clavis (Ben Johnson) in escaping from the pre-release centre where he is serving the final part of his prison sentence. She intends that they reclaim, by force if necessary, their young child, from the foster parents who have been assigned its custody. In *Dog Day Afternoon*, Sonny (Al Pacino) embarks, with the aid of a friend, upon an armed bank robbery, in order to obtain the money needed for his homosexual lover's sex change operation.

In both films, the protagonists' plans quickly go astray. In *Sugarland Express*, briefly after Clavis' escape, the young couple are pursued and eventually apprehended by a lone, inexperienced police officer. In *Dog Day Afternoon*, the police are promptly notified of the robbery and surround the bank building, trapping Sonny and his friend inside. As a result, the protagonists are in both cases forced to resort to more criminal acts, in order to avoid apprehension and to retain a chance of achieving their original goal. Thus in *Sugarland Express*, after Lou Jean has succeeded in disarming the policeman who apprehended them, the couple decide to kidnap the officer, so as to prevent him from notifying his colleagues. Despite this, the authorities are informed of the couple's actions and a legion of police cars trails the offenders on the whole route to the foster home, while Lou Jean and Clavis seek to negotiate an exchange between the captured policeman and their baby son. Similarly, in *Dog Day Afternoon*, the robbers seize the bank staff as hostages and demand from the authorities a safe transit to a foreign country.

It has been illustrated that, on both occasions, the offenders wish to achieve, through their criminal acts, a specific aim. In itself, this fails to differentiate the approach of these films on the causes of crime from the cases discussed earlier in this chapter. After all, practically none of the cinematic offences dealt with in this chapter were *purposeless*.

Unlike the offenders in the vigilante films, however, the fugitive couple in *Sugarland Express* and the robbers in *Dog Day Afternoon* are not depicted as suffering from mental disturbance; nor, emphatically, from moral depravity. In the former film, Lou Jean and Clavis are portrayed as simple and innocent people; "*a couple of kids*", as the police captain who leads their pursuit, puts it. In spite of sharing a history of relatively minor offending, it

is stressed within the film that they have hitherto steered clear from violent crime. In all likelihood, they would have continued to do so, had they not been deprived of their beloved "*baby Langston*". It is also significant that the audience is expected to empathise with the aim guiding the couple's actions, their desire to nurture their offspring.

The robbers in *Dog Day Afternoon* are also depicted as distinctly likeable. Their essential humanity is stressed at every available opportunity: this is a robbery perpetrated by people unaccustomed to criminal acts. The complete contrast to the "*vigilante*" films' approach, which insisted on impressing upon us how repulsive, "*sick*" and, consequently, different from us criminal offenders are, is noted.

Thus, upon entering the bank, one of the robbers' original accomplices, seized by a panic attack, changes his mind and abandons his partners. Sonny himself is strongly differentiated from an habitual bank robber: "*He never did anything wrong. He, himself, he didn't do it* [the robbery]", his wife tells the investigating police detectives. The robbers' benevolence is emphasised through their consistently compassionate treatment of the bank personnel they hold as hostages. "*Don't try to act as if you're some angel of human kindness*", the curmudgeon bank manager tells Sonny. However, the robbers subsequently release him, once his diabetic condition is held to require urgent medical attention. Again in this film, the audience is invited to identify with the offender's aim: the desire to provide for a lover's wellbeing. Furthermore, the sincerity of Sonny's motivation, his sentiments for his lover Leon (Chris Sarandon), is not thrown into question. In a will he drafts while inside the bank, Sonny states that he has loved Leon "*more than any man has ever loved another man, in all eternity.*" He then bequeaths to Leon his life policy endowment, so that he can proceed with the operation in any eventuality.

Neither is it indicated in these films that the offenders' actions have been determined by the causal processes traditionally focussed upon by positivist criminologists. As we have seen, the offenders in these films actively *choose* to commit certain crimes, in order to serve a specific purpose. It is conceded, however, that the range of choices available to these characters, in their pursuit of this ultimate goal, is restricted, primarily by

their inferior social status. In all likelihood Lou Jean and Clavis would not have been as readily deprived of the custody of their child, had they not been in possession of a criminal record. Similarly, Sonny, had he been of less limited means, would not have needed to resort to robbery to finance his lover's operation. A case can also be made that Sonny's (and, for that matter, his friend Sal's[461]) offending is in the final analysis a reaction against his societal marginalisation, quite in the mould of Matza's "*desperation-preparation*" theory[462]. An unemployed, unhappily married homosexual, Sonny perceives himself as a "*fuck- up and an outcast*." On the whole, in spite of the rejection of determinism, an awareness of the constraints that the existing social structure imposes on the *choices* available to different human beings is displayed in these films.

Finally, unlike the remainder of the films discussed in this section, *Sugarland Express* and *Dog Day Afternoon* do not treat the relatively serious infractions perpetrated by their principal characters as normal and commendable behaviour. This is, after all, why such care, as described above, is taken to differentiate these characters from habitual robbers and kidnappers. Neither are the offences in question presented as the result of the protagonists' natural inclination for recreation and self-expression.

Instead, what is proposed, in *Dog Day Afternoon* and *Sugarland Express*, is that, in *specific situations*, and through reference to a *legitimate, significant purpose*, disobedience to the law is *morally* justified. A certain degree of latitude in the individual's obligation to obey the criminal law is allowed. It can within reason be argued that this is a result of the doubts thrown upon the legitimacy of the status quo by the 1960s counterculture. Similarly the unfavourable treatment of authority figures, found in the 1960s films associated with the rise of the counterculture is also evident in *Sugarland Express* and *Dog Day Afternoon*[463].

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[461] One of the few things we learn about Sal is that he is a defrocked priest, excommunicated for performing the "wedding" ceremony between Leon and Sonny.

[462] See Ch. II, **a.)**.

[463] See, for example, the FBI agent in *Dog Day Afternoon*. Authority figures are negatively depicted in the films discussed under section **a.)** as well, in spite of these films' conservative viewpoint: see, for example, the politicking Chief of Detectives in *Cruising*, who urges his inferiors to solve the series of murders before the Democratic Party Convention takes place; the police captain in *The Enforcer* who, with little evidence, attributes the murders to a black militant group, and the Mayor who awards Callaghan and his female partner Letters of

On the other hand, however, three important thematic divergences between *Sugarland Express* and *Dog Day Afternoon* and their aforementioned 1960s counterparts are detected. In the first place, it should be repeated that the purpose underlying the principal characters' criminal actions in the former films is highly *personal*. Secondly, the excitement portrayed as being inherent in deviance in 1960s films, such as *Bonnie and Clyde* and *Easy Rider*, is evidently lost on the offenders in *Sugarland Express* and *Dog Day Afternoon*, who agonisingly focus on reaching their all-important purpose.

Last, but by no means least, the treatment of ordinary folk, individuals who are neither on the side of the authorities nor accomplices to the offences depicted is decidedly more ambiguous. In both of the later films, the central characters are portrayed as becoming, through their infractions, the heroes of the public; just as their counterparts were in *Bonnie and Clyde*. However, the motivation behind the public's adulation of criminal figures is now shown to be suspect. In *Dog Day Afternoon*, the throng gathered outside the bank initially cheers Sonny's defiance of the authorities. They are quick to turn against him, however, once they discover that he is a homosexual. Thereupon the gay activists arrive, in order to exploit the event for their own ends. Similarly, in *Sugarland Express*, Lou Jean and Clavis are warmly welcomed by the residents of a small town they pass through, on their way to the foster home. This fervour partly springs from the people's identification with the couple's cause: "*It's your baby. Don't let anyone take it away from you*", a woman tells Lou Jean. Their enthusiasm also owes itself, however, to the thrill the spectacle of the pursuit offers them: a group of boys excitedly count the police cars passing by. It should also be mentioned that, in a different scene, the young couple is nearly killed by a group of trigger-happy citizens, who use them as their hunting prey. These adverse portrayals of regular folk in *Sugarland Express* and *Dog Day Afternoon* are rather construed as yet another sign of the pessimism over human motivation and the resultant state of society, detected during the 1970s. It is noted that, in this respect, the

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Recommendation the latter do not deserve, in order to exploit the presence of a woman in the police force for political gains: see also below, Ch.III, **e.)**.

perspective of these films is not so widely different to the conservative viewpoint on society proffered by the vigilante films.

The critical criminologists' distrust of rehabilitative practices has already been noted. Two films released during this period in Britain, *A Clockwork Orange*[464] and *Scum*[465], appear to share a similar viewpoint. Set in the near future, *A Clockwork Orange* focuses upon an extremely violent young offender, Alex (Malcolm McDowell) who is apprehended by the authorities of the totalitarian state of which he is a subject. Alex willingly submits himself to a treatment programme that will cure him of his violent tendencies. The experimental programme is part of the autocratic government's campaign to restore "*law and order*". Alex is forced to watch a succession of films depicting incidents of violence and rape, until he is nauseated. The programme appears to be initially successful: by the second day, Alex has realised that violence is "*against society*". Earlier, however, a priest has questioned the moral utility of a rehabilitation programme that impels its subjects "*towards the good*": the priest wondered whether, by depriving its subjects from the capacity to make a moral choice, it also denied them their humanity. Indeed, the reformed Alex has been reduced to a defenceless, asexual, pitiful creature.

In *Scum*, the British Borstal regime is depicted as callous and counterproductive. Members of the staff, including the Governor, are presented as openly encouraging the brutal acts of violence committed by the trainees they are meant to supervise and reform. They appear to believe that the intimidating presence of a bully, a "*daddy*", within each wing will minimise incidents of disorder and thus render their job easier. In a particular scene, a guard gleefully looks on, as one of the trainees is raped by three of his fellow inmates. The film illustrates that Archer (Mick Ford), an articulate and rebellious Borstal trainee, is correct in asserting that the "*punitive system does not work...how can anyone build a character in a regime based on deprivation?*" In a frank conversation with a guard, Archer argues that the acts committed against criminal offenders, under the guise of rehabilitation

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[464] *(1971, U.S., S.Kubrick)*
[465] *(1979, G.B., A.Clarke)*

or punishment, are in essence more repugnant than the offences that brought them into the attention of the law in the first place.

c.) Traditional Explanations of Crime and Delinquency

Theories seeking to locate the causes of crime in traditional areas of concern, such as the offenders' poverty, or their unwholesome home environment, were not highly popular during the 1970s. Poverty, in particular, was not accepted on its own as sufficient explanation for the commission of a criminal act, even in the case of the severely disadvantaged residents of the African-American ghettoes[466]. This was mainly due to what Young has termed the "*aetiological crisis*" of traditional criminology: the realisation that the wholesale improvement in social conditions, effected in the two previous decades, had failed to reduce crime[467]. Actually, the reverse had occurred. It was repeatedly asserted that members of all social classes engage in criminal activity[468]. The fact that processed offenders usually came from the lower end of the social structure was attributed to discrepancies in the treatment of such persons by the various control agencies, as pointed out by labelling and Marxist theorists[469].

Family-oriented theories of criminal behaviour did not totally eclipse during the 1970s. Yet again, it needs to be recollected that criminology is an amalgam of various disciplines. Sociologists, such as Phillipson, questioned the assumptions on which psychological explanations of the origins of criminal activity rested. In particular, he noted how any form of behaviour, which deviated from the investigator's usually middle-class norms, was received as a token of the offender's psychological disorder[470]. The degree to which criminologists oriented towards psychiatry would embrace such criticisms was always going to be limited, however, since they would otherwise be deprived of their own locus of research. Thus Lewis and Balla claimed that the roots of delinquent behaviour were still to be found in

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[466] See also below, Ch.III, **d.)**.
[467] Young, J. *Radical Criminology in Britain: the Emergence of a Competing Paradigm*, in Rock, *op.cit.*, pp.159-93, p.159.
[468] Cf. Haskell, M.R. and Yablonsky, L. *Crime and Delinquency* (3rd Ed.) Chicago: Rand McNally College Publishing Company 1978, p.541-3; Wadsworth, *op.cit.*, p.2.
[469] cf. eg. Box, *op.cit.*

parental psychopathology: the lack of a coherent household, neglect and poor parental supervision and education were put forward as the most frequent causes[471].

From a sociological standpoint, West and Farrington pointed the finger at deficiencies in parental training and an unhappy familial environment. They especially noted how delinquent parents tended to recreate for their offspring the same undesirable environment in which they had grown up[472]. Wadsworth and Ferracuti *et al.* found support for the hypothesis that a disrupted home environment leads to delinquency[473]. However, the former questioned whether a subtle form of labelling took place, as societal expectations about the effects of a broken home became a self-fulfilling prophecy, and contributed more to the delinquents' adoption of a deviant lifestyle than the actual trauma from their parents' separation[474].

Traditional explanations of crime and delinquency do not feature heavily in the films of the 1970s. Crime is only rarely attributed exclusively to deficiencies in the offender's family background. In *La Luna*[475], a typically idiosyncratic European film. In *La Luna*, the father's death in a motor accident propels his teenage son into drug addiction, as well as an incestuous relationship with his mother. The son confesses that the source of his misery is that "[he] *really misses Dad*". By the end of the film, however, he has discovered that the car crash victim was not his real father. When he is reunited with the latter, the son's agonies are resolved[476].

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[470] Phillipson, M. *Sociological Aspects of Crime and Delinquency* London: Routledge and Kegan Paul 1971, pp. 21-26.
[471] Lewis, D.O. and Balla, D.A. *Delinquency and Psychopathology* New York: Grune and Stratton 1976
[472] West, D.J. and Farrington, D.P. *The Delinquent Way of Life* London: Heinemann 1977, p.161.
[473] Wadsworth, *op.cit.*, p.115; Ferracuti, F., Dinitz, S. and Acosta de Brenes, E. *Delinquency and Nondelinquency in Puerto Rican Slum Culture* Columbus: Ohio State University 1978, p.130.
[474] Wadsworth, *op.cit.*, pp.122-5.
[475] *(1979, It., B.Bertolucci)*
[476] In *Cruising*, it is also indicated that the source of the serial murderer's severe psychological disturbance is the problematic relationship he used to have with his -now dead- father. In the film, the murderer is depicted as engaging in imaginary conversations with his father: "*I tried to do anything you wanted but it's never enough...I wish just once you said something positive to me*", he protests in one of them.

The central character in *Saturday Night Fever*[477], Tony Manero (John Travolta) also has to contend with family difficulties: constant altercations between his parents, antagonism from his unemployed father, plus the added burden of being the least preferred son, next to his priest brother. These are, however, only a fraction of the difficulties Tony faces in trying to lead a rewarding life in Bay-Ridge, a working-class neighbourhood of New York. His lack of future prospects is emphasised more strongly: from the opening credits song that repeats "*I'm going nowhere*"[478] to Tony's visible disillusionment upon discovering that his boss expects him to continue working as a sales assistant in a paint shop for many years to come. "*You've got a great future here*", he tells Tony, unaware of the irony. In the "*stinking rat race*" that is modern life, Tony and his friends, all uneducated, working-class ethnic Italians, are not given a chance to compete fully and have to content themselves with enviously gazing at expensive cars they are never likely to own. In a manner that conforms to the basic assumptions of the subcultural explanations of crime elaborated two decades ago[479], Tony and his friends act out their resentment against this perceived injustice by consuming drugs and engaging in hostilities with the Puerto Rican immigrants of the adjacent neighbourhood[480]. At least Tony is clear-sighted about the futility of their actions: "*Everybody's got to dump on someone. Manhattan dumps on Bay Ridge, and Bay Ridge dumps on the Puerto Ricans.*"

It is notable, however, that, even in this film, with its pervasive theme of barred social ascendancy, a *deterministic* approach to the causality of criminal behaviour is rejected. In the final scene of the film, Tony is shown to resist successfully the aforementioned pressures towards criminality. With the assistance of his ambitious dancing partner, he leaves behind his life in Bay Ridge and resolves to seek a better future in Manhattan.

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[477] *(1977, U.S., J.Badham)*
[478] "*Staying Alive*" by The Bee Gees.
[479] See above, Ch. I.
[480] Obviously their behaviour, as depicted, accords well with the basic presuppositions of subcultural theories of crime: see Ch. I, **b.)**. These theories were not, however, widely developed during the 1970s.

d.) Race

African-American nationalism reached its zenith on 10-11 March 1972, when the largest black political convention in the history of the United States was held in Gary, Indiana[481]. At the same time, it was now openly alleged that African-Americans disproportionately contributed to the crime rate[482]. The "moral majority" that reacted against the counterculture associated the increasing commission of violent crimes on the part of African-Americans to the rise of black militancy[483].

Meanwhile, the economic and social isolation of certain segments of the African-American population was exacerbated by their adverse financial circumstances[484]. Nonetheless, at a time of economic stress, lower-class whites begrudged the welfare benefits accorded to the residents of the African-American ghettos[485]. They sympathised with increasingly popular radical right arguments that welfare provisions, engendering a slothful dependency in their recipients, were counterproductive and actually magnified the social isolation of lower-class African- Americans[486]. Radical right theorists particularly decried the financial assistance handed to unmarried mothers, which, they claimed, operated as an incentive against matrimony and thus unwittingly contributed to the dissolution of the African-American family[487].

In Britain, attempts to curb immigration were finalised with the legislation of the 1971 Commonwealth Immigration Act. Entry in Britain for "*non-patrial*" Commonwealth workers[488] was now to be permitted only in strict attachment to an annually renewed work permit. As has been pointed out, the Act transformed "non-patrial" immigrants, who were by definition

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[481] Marable, *op.cit.*, pp.122-3.
[482] Wilson, *op.cit.*, p.53.
[483] Hall *et al.*, *op.cit.*, pp.248-9; Marable, *op.cit.*, pp.126-7.
[484] Morrison, *op.cit.*, p.417; Wilson, W.J., *op.cit.*, pp. 158-80.
[485] Koerselmann, *op.cit.*, pp. 213-36.
[486] Morrison, *op.cit.*, p.419. On the general rise of radical right ideology, see above, Ch.III, **a.)**.
[487] cf. eg. Wilson, J.Q., *op.cit.*, p.17.
[488] Commonwealth workers were considered by the Act as "patrial", if they were settled or resident in Britain for more than five years; or if their parents or grandparents were British citizens by birth.

almost certainly black, into short-term contract workers[489]. After this development, advocates of repatriation directed their attention towards, in Enoch Powell's phrase, "*the enemy within*": the alienated second generation black youth residing in urban localities[490]. Black youth was especially targeted upon in the "mugging" moral panic that was recorded in Britain during the early 1970s[491]. Its antagonistic and mutually suspicious relationship with the police was also commented upon[492], as well as the resentment directed against young blacks by the white lower-class, exemplified in the support gathered for the racist National Front organisation towards the end of the decade[493].

An increased visibility of racial minorities, in relation to the commission of criminal offences, is recorded in the films produced during the 1970s. In the first place, the bulk of the "background crime" committed in the "vigilante" films are perpetrated by African-Americans[494]. For example, in *Dirty Harry*, the muggers Inspector Callaghan stumbles upon are black[495]. It should be pointed out that, in the same films, the victims of criminal offences are also quite often African-American. This is because these films often focus on disadvantaged areas of the city, where the prominence of crime and vice, a central feature of the narrative[496], is depicted as being particularly strong. In the films, these areas are shown as being disproportionately populated by members of racial minorities.

The Enforcer's critique of countercultural politics[497] encompasses black militancy. In this film, an organisation that closely resembles the real-life "Black Panthers", is directly associated with criminal behaviour. In a specific

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[489] Solomos, *op.cit.*, pp.69-70.
[490] *Ibid.*, p.74.
[491] Hall *et al.*, *op.cit.*, p.305; Solomos, *op.cit.*, p.131.
[492] Solomos, *op.cit.*, p.123.
[493] Shaggar, *op.cit.*, pp.179-84. The British criminal courts were willing to condemn racially motivated attacks by meting out strong, deterrent sentences on defendants involved in them: see, for example, *R. v Cushen and Spratley* [1978] Crim. L.R. 571. The defendants intimidated a black man by shouting "*let's get the black bastard*" and "*let's throw him in the river*"; they were sentenced to three months' imprisonment, in spite of the fact that no act of violence took place.
[494] On the contrary, the vigilante's primary adversaries are usually Caucasian; though in *The Enforcer*, one of the members of the "revolutionary" gang is African-American.
[495] See above, Ch.III, **a.)**.
[496] As has already been detailed: see above, Ch.III, **a.)**.

scene, its lower-tier members sexually harass Inspector Callaghan's female partner. The leader of the organisation is also revealed as having furnished his office with the proceeds of the robberies his subordinates have committed.

Light is also shed upon the problematic relations between members of racial minorities and the police in the "vigilante" films. Early in *Dirty Harry*, the audience learns that Callaghan "*hates everybody*", particularly "*Negroes*" and "*Spics*". The black militants are depicted as being equally wary of the criminal justice authorities. In *The Enforcer*, upon Callaghan's arrival in the headquarters of the aforementioned militant organisation, its members demand that Callaghan show them a warrant before allowing him entry. After collaborating with the police, the leader of the organisation conspires with Callaghan to be arrested on fabricated charges, so that his political credibility is not endangered. In a later scene, the police captain, anxious to appear before the media as successfully tackling crime, does not hesitate to arrest the same black militant leader for the murders Callaghan investigates, without significant evidence. On a similar note, in *Rude Boy*, a film purporting -in certain scenes- to be a documentary, the British police are depicted as targeting their surveillance upon black youth and then brutally abusing them in order to obtain a confession.

Resentment among lower-class white Americans against African and Hispanic Americans is also recorded in the films produced during the 1970s. In *Mean Streets*, Charlie (Harvey Keitel) declines a rendezvous with a black entertainer to which he is attracted; he fears that being seen with her would damage his status in the predominantly Italian-American neighbourhood. Similarly, the conflicts that take place between young Italian-Americans and Puerto-Ricans in the working-class neighbourhoods of Brooklyn in *Saturday Night Fever*, deserve to be noted[498].

In a British setting, both the Borstal staff and the trainees in *Scum* are depicted as being openly prejudiced against a black boy that is newly received into the institution. The boy is allocated a single room, so as to avoid being victimised by his fellow inmates. The racially hostile climate of

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[497] See above, Ch.III, **a.)**.
[498] Already dealt with above, Ch.III, **c.)**.

late 1970s Britain is also recorded in *Rude Boy*; the film begins with footage from rival National Front and Anti-Nazi League demonstrations.

e.) Gender

The first British Women's Liberation demonstration was held in 1971 on International Women's Day in the West End of London. Thereafter, Britain witnessed a proliferation of feminist organisations: these campaigned for a series of demands, including the provision of free contraception and abortion and expanded control over maternity and health care[499]. Similarly, in the United States, Women's Liberation affiliations concentrated on instituting child-care projects, self-defence classes, women's centres and on challenging women's inferior position within the family[500]. Legislation in both countries mirrors the widening impact of feminist politics. In Britain, the right to equal pay for equal work was established by the 1970 Equal Pay Act, which came into force six years later[501]. Sexual discrimination was outlawed in the eponymous 1971 Act. The 1975 Social Security Pensions Act endowed women, who were out of employment because of "*home responsibilities*", with full pension rights. In the same year, the Employment Protection Act rendered paid maternity leave a statutory right, declared dismissals because of pregnancy to be unfair and required employers to reinstate mothers in their positions within twenty-eight weeks after childbirth. Furthermore, in a time of increasing concern for the violence perpetrated on women in a domestic setting[502], the 1971 Violence and Matrimonial Proceedings Act facilitated the award of an injunction to restrain a violent partner or the possible arrest thereof. In the United States, the 1972 Equal Employment Opportunities Act provided for a recourse in the federal courts in order to enforce Title VIII of the Civil Rights Act 1965[503].

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[499] Rowbotham, *op.cit.*, pp.402-15.
[500] *Ibid.*, p.438.
[501] The Act, however, only covered cases where there was no material difference in the work executed between male and female employees. Rowbotham, *op.cit.*, p.405.
[502] Gibson and Klein had discovered that, in cases of homicide, women were more often than not (59%) victimised by a husband or a lover. Similarly, in their research on 3,020 cases of violence in two Scottish cities, Dobash and Dobash found that more of 26% of them were cases of domestic violence perpetrated on women. Rowbotham, *op.cit.*, p.420.
[503] This is the part of the Act that related to discrimination on the basis of sex. See above, Ch. II, **e.)**.

The landmark Supreme Court decision in *Roe v. Wade*[504] held that the denial of a medically safe abortion invaded a woman's right to privacy against state action. Furthermore, an Equal Rights Amendment, which provided for full equality between the sexes, was passed in the Senate in 1972, yet did not become law, due to the failure of the requisite number of States to ratify it[505].

Feminist criminologists pointed out that women were largely overlooked in the study of the causes of crime that was conducted almost exclusively by men[506]. Carol Smart particularly noted that criminological theorising on the causes of female deviance appeared to be arrested in the positivist stage: female deviance was unquestioningly attributed to biological and psychological drives and the insights offered by labelling and Marxist theories were treated as irrelevant[507]. It was acknowledged that the criminologists' lack of interest in female crime owed plenty to the fact that women committed a substantially lower number of criminal offences, in proportion to men; and that the crimes they actually committed tended to be less serious and violent[508].

During the 1970s, the divergence between the two sexes' rates of criminality was often attributed to their differential socialisation[509]. It was alleged that, from a very early age, boys were urged to cultivate their

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[504] 410 U.S. 113 (1973).

[505] Boyer *et al.*, *op.cit.*, p.705. In spite of these efforts, inequality between the sexes still persisted. In Britain, women were still largely occupied in positions that men chose not to compete in. In 1978, only 1% of bank managers and 2% of university professors were female. The 1980 Women and Employment Survey revealed that a substantial majority of women –65%- were still employed in vocations exclusively occupied by females. Rowbotham, *op.cit.*, pp.410-9.

[506] Smart, *op.cit.*, pp.1-4.

[507] Smart, *op.cit.*, pp. 2-3, 133-6. The dubious assumption that female delinquency should be put down to psychological maladjustment, and was thus to be regarded as more amenable to treatment, appears to have influenced the judges' decision in *R. v Lee* [1980] Crim. L. R. 318. In this case, a 15-year old girl had committed an array of trivial offences. The Court of Criminal Appeal accepted that, in the light of the triviality of her offences, a borstal sentence would be unacceptably harsh. However, the Court ultimately imposed such a sentence, primarily in view of a report from the borstal institution that claimed that the girl, who faced grave difficulties in the relationship with her mother, would benefit from such a sentence. It is revealing that the Court drew the opposite inference in a similar case involving a male defendant: see *R. v Keatley* [1980] Crim. L. R. 381; in that case, the defendant's sentence was varied to probation.

[508] Smart, *op.cit.*, pp.2-3; Wadsworth *Roots of Delinquency: Infancy, Adolescence and Crime* Oxford: Martin Robertson 1979, pp.103-4; Goodman, N., Maloney, E., Davies, J. *Borstal Girls Eight Years After Release* in Home Office, *Further Studies of Female Offenders* London: H.M.S.O. 1975, pp.18-9.

independence, while girls were oriented towards finding self-affirmation in loving relationships and the acceptance of others; conformity was thus more actively encouraged upon the latter[510]. Alternatively, it was claimed that women's typical abstinence from violent offences was rooted in biological grounds: men normally possessed higher levels of hormones such as testosterone, which predisposed individuals towards aggression[511]. A third theory posited that women's conscription within the domestic sphere impeded their access to illegitimate opportunity structures and made them less available to be publicly labelled as deviant. Furthermore, this crucially rendered them subject to the informal social control of the family, as well as the instruments thereof[512]. Under this assumption, it was speculated that the expanded consciousness and occupational opportunities offered to women, since the advent of the modern feminist movement, would inadvertently result in their increasing engagement in criminal behaviour[513]. Indeed, Adler claimed that she could already detect such a trend[514].

It is notable that in the films produced during the 1970s, female characters are assigned roles that were previously the exclusive reserve of their male counterparts. For the first time in this research, a woman is the *de facto* leader in a criminal venture, in which a man also participates. As has been seen, in *Sugarland Express*, Lou Jean, and not her husband Clavis, seizes most of the initiative in evading capture by the police[515]. The first instance of a grossly disturbed, violent *female* offender is encountered in *Play Misty for Me*. On the other side of the fence, a female police officer is for the first time pictured in *The Enforcer*. However, this ostensible

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[509] cf. Shover, N., Norland, S. James, J., Thornton, W. *Gender Roles and Delinquency* Social Forces (1979) 58; Bustamante, D. *The Nature of Female Criminality* Issues in Criminology (1973) vol.8, no.2.

[510] Shover *et al.*, *op.cit.*

[511] cf. Maccoby, E.E. and Kacklin, C.N. *The Psychology of Sex Differences* Stanford: Stanford University Press 1974.

[512] Hagan, J., Simpson, J. and Gillis, A. *The Sexual Stratification of Social Control: a Gender-based Perspective on Crime and Delinquency* British Journal of Sociology (1979) 30

[513] Simon, R.J. *Women in Crime* Lexington, Mass: Lexington Books 1975

[514] Adler, F. *Sisters in Crime: the Rise of the New Female Criminal* New York: McGraw Hill 1975. Though the actual existence of this trend was highly disputed. See, for example, Smart, *op.cit.*, pp.24-5, 73; Heidensohn in Maguire *et al.*, *op.cit.*, p.766.

[515] See above, Ch.III, **b.)**, **ii.)**.

dissolution of gender roles should not be overstated. In the first place, in the substantial majority of the films, both the leading criminal offenders and the law enforcement personnel are male. Women are typically restricted to displaying their attraction for the offending protagonist, as in the commonly encountered scenario outlined above[516]. Moreover, it is revealing that, even in *Sugarland Express* and *Play Misty for Me*, the female offenders are guided by concerns traditionally viewed as feminine: the mother's desire to nurture her child, in the former; the wish to avenge a spurning lover, in the latter. Furthermore, the female police officer in *the Enforcer* is reminded of her anomalous status within the force at every opportunity. Her male peers visibly disrespect and discriminate against her. Initially, she is not trusted as being capable of employing the necessary force to deal with criminal offenders. Left alone with the criminal lower-tier members of the black militant group, she appears unable to withstand their harassment. She earns the full respect of her partner, Inspector Callaghan, in the final scene of the film, when she displays no hesitance in repeatedly shooting at members of the criminal "revolutionary" group. Furthermore, her singular presence in the police force is exploited by the Chief of Detectives and the Mayor for political gain. They employ her recruitment as evidence that they have been responsive to feminist concerns about women's under-representation in the police force.

f.) Conclusion

The confrontation in Western societies between exponents of the counterculture and the established institutions of the dominant culture, initiated in the previous decade, persists during the 1970s. It is fuelled by a fierce reaction on the part of the "moral majority" against the social and cultural developments that are associated with the emergence of the counterculture. At the same time, however, both the radical and the expressive ideals of the counterculture still continue to hold considerable sway in different sections of Western societies.

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[516] See Ch.III, **b.)**, **i.)**.

In the 1970s, however, the two camps appear deeply divided, even within themselves. The "moral majority" comprises under its aegis groups as disparate as radical libertarians and new Puritans. The counterculture has dissolved into a multitude of single-issue campaigns, each promoting its specific agenda, and mystical religious cults. A *fragmentation* of the culture of Western societies is observed; this would pave the way for the extreme individualism of the 1980s.

Chapter IV- 1981-1990

The 1980s are often vilified as an age of greed and immoderation. It was a period strongly linked in public memory with the individualist, acquisitive ethos promulgated by New Right governments in both the United Kingdom and the United States; with the extravagant consuming habits of affluent social groups such as the yuppies; and a media-fed fascination with the lifestyles of the excessively wealthy. A similarly individualist, self-focused view of human behaviour will be demonstrated as underlying both the criminal justice policies pursued by radical right governments on both sides of the Atlantic and research carried out in conservative criminological circles during this period. In section **a.)**, it will additionally be illustrated that the representations in a substantial number of films released during the 1980s also appear to share this perspective; in these films, crime is depicted as being motivated by an individual's acquisitive instincts.

The New Right governments in Britain and the United States also exhibited a renewed interest in the association between dysfunctional families and criminal behaviour during this period; special attention is paid to the criminogenic influence of inadequate parental supervision. In section **b.)**, it will be shown that in a substantial number of films released during the 1980s, the offenders' participation in criminal activity is at least partially explained through the defective supervision they received in a single-parent family.

In Britain, the 1980s are also associated in public memory with episodes of violence and order-defiance: in particular, the miners' strike, the inner city riots. This proliferation of violence has been equally attributed to the continuing influence of radical countercultural ideals -particularly its disrespect towards authority- and the selfish ethos promulgated by the New Right. In section **c.) i.)**, it is demonstrated that in a large number of films released during this period, the cinematic offenders are similarly prepared to step outside legal boundaries in order to serve their *personal* values and interests. This is also interpreted as evidence of the diminished sanctity of the

criminal law. Furthermore, the excitement inherent in criminality, highlighted in the contemporary work of criminologist Jack Katz, is once again put forward as an explanation for criminal behaviour in the films released during the 1980s (section **c.) ii.)**).

Finally, emphasis is laid on the problem of the growing underclass and its members' inclination towards deviance in both the films and the sociological writings of this era (section **d.)**). The trend towards minimising any disparities in the represented criminal behaviour of the two sexes, first detected in the films of the 1970s, continues during this decade. At the same time, however, feminist criminologists arduously search for differences between men and women that can explain women's disproportionately low involvement in real-life criminal activity (section **e.)**).

a.) Crime Motivated by Acquisitiveness

During the 1980s, acquisitiveness and enterprise were openly encouraged by governments in both Britain and the United States. Such encouragement fitted the economic policies pursued by the successive Thatcher governments in Britain and the two Reagan administrations in the United States[517].

Margaret Thatcher and Ronald Reagan advocated a similar set of economic policies. In the first place, both disputed the merits of extensive, Keynesian state intervention in the economy. They claimed that generous welfare handouts had created in the citizenry a slothful dependence on the State. The natural enterprising initiative of the population, in all levels of society, had thus been stifled[518]. Austere tax measures, upon which the expansion of the Welfare state was built, contributed to the same effect.

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[517] Margaret Thatcher and Ronald Reagan's respective ascensions to power have already been detailed: see chapter III. Mrs Thatcher stayed in office as Prime Minister throughout the whole of the decade. Ronald Reagan served the –maximum allowed- two terms in the post of the United States Presidency. In 1988, still at the height of his popularity, he was succeeded in office by his former Vice President George Bush: the latter pledged to continue with the policies of his predecessor. Boyer *et al.*, *op.cit.*, pp.726-8.

[518] A key assumption of radical right and, generally, conservative philosophy is that man is naturally prone to selfish acts. Since the early 1970s, Sir Keith Joseph, one of the leading members of the radical right faction of the Conservative Party, had asserted that "*self-interest is the prime motive in human behaviour*". Social arrangements, he claimed, must do their best to harmonise and harness "*individual and corporate egoism*". Hall *et al. op.cit.*, pp.313-5.

Furthermore, it was claimed that the absence of free market competition had resulted in the perpetuation of inflexible working practices in the areas of the economy which were monopolised by the State. These areas were also plagued by unproductive struggles between vested interests; it is revealing that one of Mrs Thatcher's priorities upon rising to power was to curb the rights accorded to the Trade Unions[519]. Low growth, rising inflation and loss of both nations' competitive edge in the global economic market were all attributed to these malfunctions[520].

In the place of Keynesian economic policies, the Thatcher government and the Reagan administration advanced Milton Friedman's theory of "monetarism". According to this theory, the market should be allowed to operate unobstructed by governmental intervention[521]. In Ronald Reagan's memorable phrase, "*government is not the solution to our problems; government is the problem*"[522]. The role of the government in the economy is restricted to providing a stable financial environment: the tight regulation of the money supply and the concomitant control of inflation. The latter is principally effected through severe limitations imposed on government borrowing and spending[523]; hence, the Welfare State was to be decisively contracted and nationalised industries to be privatised. In the United States, attention was also focused on "*deregulation*": a substantial trimming of the federal regulation of industry[524].

It has been commented that, in Britain, monetarist economic policies were only pursued in the first three years of Mrs Thatcher's occupancy of Downing Street, and were then abandoned as failures[525]. It is true that the successive Conservative governments found it difficult to keep within their

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[519] Sections 16 and 17 of the 1980 Employment Act outlawed secondary picketing and removed trade union immunity for most forms of secondary industrial action, such as "*sympathetic strikes*". The Employment Act 1982 (ss. 15-19) stipulated that union funds would be accountable for damages caused by strikes undertaken outside the letter of the law. The Trade Union Act 1984 (ss.1-11) made secret ballots compulsory in trade union elections and prior to industrial action. Mrs Thatcher's unprecedented refusal to consult the unions over economic policy also needs to be noted. cf. Marwick, *op.cit.*, pp.285-6.

[520] Campling, Elizabeth *The 1980s: Portrait of a Decade* London: Batsford 1990, pp.3-4.

[521] Schiller, H. *Reckoning with Reagan: America and Its President in the 1980s* New York: Oxford University Press 1992, pp.23-35.

[522] Boyer *et al.*, *op.cit.*, p.716.

[523] Marwick, *op.cit.*, pp.310-11.

[524] "*Deregulation*" took place under Reagan in key industries, such as the communications, savings-and-loans, transport and broadcast industries. Boyer *et al.*, *op.cit.*, p.716.

stated borrowing and spending limits; public spending grew by 57.1% in real terms between 1978-79 and 1987-88[526]. This was however, to a large extent, due to the huge increase in the cost of unemployment benefits. In the first few years of Conservative rule, the unemployment rate had more than doubled: from 5.7% in 1979 to 13.4% in 1982. The number of people out of work in 1982 -3,190,621- was the highest ever recorded[527]. This development has been equally attributed to the non-interventionist policies of the first Thatcher government, as well as to the global economic recession that took place during this era[528].

Apart from that, it is beyond dispute that the general orientation of the economic policies pursued under Thatcher was monetarist. The considerable restrictions placed on state expenditure, the readiness displayed by the successive Conservative governments to resort to high interest rates in its battle against inflation[529], as well as the nationalisation of key industries, such as British Gas, British Telecom and British Airways, all point to the same conclusion[530].

A crucial feature of New Right rhetoric was the encouragement of thrift and enterprise across all levels of society. The State had now abdicated its paternalistic responsibilities in the economic field; financial subsistence and advancement became a matter for each individual to pursue on his own. The New Right governments sought to harness the enterprising spirit of the population in many ways. In the first place, in both Britain and the United States, substantial reductions in direct taxation were carried out[531]. It is a measure of the individualist spirit underlying New Right economic policies that these reductions were also defended on *moral* grounds, on the basis that

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[525] Marwick, *op.cit.*, pp.311-2.

[526] Ball, M., Gray, F., McDowell, L. *The Transformation of Britain: Contemporary Social and Economic Change* London: Fontana 1989, pp.367-72. In the United States as well, the federal budget grew steadily throughout the 1980s, reaching the one trillion dollar mark in 1986. Boyer *et al.*, *op.cit.*, p. 717.

[527] Marwick, *op.cit.*, p.272.

[528] Unemployment increased during this period in the United States as well; in late 1982, the unemployment rate had risen to 10%. Boyer *et al.*, *op.cit.*, p.717.

[529] High interest rates are the standard monetarist remedy for inflation, impeding prospective borrowers from obtaining credit, as well as draining the resources of existing borrowers: cf. Marwick, *op.cit.*, pp.311-3.

[530] *Ibid.*

decisions concerning the disposal of personal income should rest with the individual. Secondly, the Conservative government in Britain handed out effective assistance to small businesses, in the form of grants and loans[532].

All these policies were expected to lead to increased competitiveness in the financial environment and, as a result, an optimally functioning economy. This is the first time, in the period that this study covers, that the wellbeing of the economy becomes such a primary, all-encompassing point of reference for a variety of governmental policies. This trend continues, as shall be seen, into the 1990s[533].

By the late 1980s, the British economy had indeed become the fastest growing economy in Europe. The Thatcher government could also pride itself in the booming financial markets of the City, helped along by the successful deregulation of the London Stock Market in October 1986[534]. At the same time, however, there were signs of increasing polarisation within British society. Particularly significant was the gap in affluence between the service-industry based South and the manufacturing-industry based North. The *laissez-faire* policies of the Thatcher governments, in combination with international forces pushing for post-industrialisation[535], brought about the removal of the large, heavy industrial units from the latter region. These were never replaced. As a result, unemployment reached unprecedented levels: in 1986, the rate of unemployment in the North had surged to 15.7% (14.2% in the North West). The equivalent figures for the regions of the South East and the South West were 8.4% and 9.8%[536].

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[531] In Britain, the basic level of income tax fell from 33% to 26%; the highest tax rate was reduced from 80% to 60%: *ibid.*, pp.309-17. In the United States, a 25% reduction in federal income tax was carried out between 1981 and 1984. Boyer *et al.*, *op.cit.*, p.716.

[532] For example, the Government's Business Expansion Scheme provided for tax relief in investments up to £40.000 in unquoted companies; there was also a substantial expansion of privately sponsored venture capitalism. A general swing of financial circumstances in favour of small businesses had already taken place during the 1970s. Marwick, *op.cit.*, pp.312-3.

[533] See below, ch. V. Still in the 1980s, Aronowicz provides us with an extreme example of policies that justify themselves solely in terms of *financial* utility. Reagan defended withholding from the market billions of tons of butter, which could feed the hungry, in order to stabilise farm prices: Aronowicz, *op.cit.*, p.42.

[534] Marwick, *op.cit.*, pp.318-9.

[535] Post-industrialisation refers to the phenomenon that in the last third of the 20th century, economic activity in developed nations is primarily based on Information Technology, services and leisure: *Ibid.*, pp.319-20.

[536] Marwick, *op.cit.*, pp.285-307. Equally sharp was the contrast between the squalid, dilapidated, crime-ridden inner cities across the country and the affluent suburbs and market

The results of the economic policies carried out under the Reagan administration in the United States were even more ambiguous. Inflation dropped to 4% in 1982 and remained steady thereafter. Revived consumer spending, a consequence of the low inflation rate as well as the substantial tax cuts, assisted in bringing about in 1982 a surge of stock-market speculation, a phenomenon tagged as "*The Great Bull Market*"[537]. Entrepreneurs, such as real-estate tycoon Donald Trump and stock analyst Ivan Boesky[538] became celebrities. Nonetheless, the Great Bull Market proved to be short-lived. On 19th October 1987 –the "*Black Monday*"- a fifth of the paper value of American stocks evaporated, as the Dow Jones stock market fell by 508 points.

It was also claimed that the prosperity evidenced in the United States during this era was principally a result of increased defence spending. Under Reagan, the national debt tripled, turning the United States from the world's largest creditor to its largest debtor. Federal deficits persisted throughout the decade and the trade gap escalated to $ 154 billion in 1987. As in Britain, the industry-based regions of the country suffered from increased foreign competition and technological obsolescence[539].

Additionally, it was feared, particularly in Britain, that this overwhelming emphasis on profits compromised essential measures of safety. The issue was brought to prominence by a series of tragic accidents that took place between 1987 and 1989. Most infamous among them was the overturning of the P&O ferry the "*Herald of Free Enterprise*" outside Zeebrugge Harbour on 6th March 1987, whereby 193 passengers and crew lost their lives. Other notable incidents included the explosion of the Piper Alpha North Sea platform on 6th July 1988, which resulted in 167 fatalities; and the collision of three trains near Clapham Junction on 12th December 1988, causing 35 fatalities. In all these instances, there were obvious signs

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towns. This theme will be discussed in more detail in the examination of the underclass: see below, Ch.IV, **d.)**.

[537] Boyer *et al.*, *op.cit.*, pp.717-8.

[538] The prototype for the character of Gordon Gekko in *Wall Street* (see below), Ivan Boesky was convicted for insider trading in 1986: Boyer *et al.*, *op.cit.*, p.718; Schiller, *op.cit.*, p.69.

[539] Boyer *et al.*, *op.cit.*, p.717.

that economy and profits had taken precedence over standards of safety[540]. Indeed, the publicising of these cases contributed to the clamour for an extension of existent corporate criminal liability legislation[541].

Arguably, however, the greatest expense was incurred at the level of human values. Wealth became the principal measure of an individual's value to society; the affluent increasingly resorted to illegitimate means in order to enhance their financial standing[542]. *Plutography*, the finely detailed depiction of the lives of the extremely wealthy, became fashionable. American television programmes, such as "*Dynasty*" and "*Lifestyles of the Rich and Famous*" met with great success[543]. The *mores* and practices of privileged, upwardly mobile young professionals were particularly highlighted. As has been observed, the "*yuppies*", as this group in abbreviation was called, were defined more by the items they consumed than the tangibles they produced[544]; they were usually employed in the booming financial markets.

On the other side of the coin, poverty was equated in most cases with sloth and general lack of merit[545]; denial of compassion was legitimated[546]. The apparent affluence of certain members of the working class seemed to confirm that, in a free market, anyone, regardless of their social origins,

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[540] For example in the case of the *Herald of Free Enterprise*, the cause of the disaster was water coming through the open bow doors. It was discovered that the seaman responsible for shutting the bow doors, when the ship was leaving the harbour had fallen asleep. The official inquiry found that the management of the company pressured over-stretched crews to deliver unreasonably short turnaround times, resulting in shortcut measures being adopted; amongst them the practice of not closing the bow doors before leaving the harbour.. Marwick, *op.cit.*, pp.320-1. In a relatively similar vein, deregulation of the savings and loans industry in the United States led to many institutions making a succession of risky loans in speculative real-estate ventures. Many such investments failed when the United States economy experienced a downturn towards the end of the 1980s. Nearly six hundred savings and loans institutions failed between 1988 and 1990 and wiped out their depositors' savings. The federal government was forced to orchestrate a bailout at a cost of more than $400 billion. Boyer et al., *op.cit.*, p.718.

[541] Clarkson, C.M.V. and Keating, H.M. *Criminal Law: Cases and Materials* (2nd Ed.) London: Sweet and Maxwell 1990.

[542] See, for example, the case of Ivan Boesky: above, fn. 538. In Britain, see *Re Halt Garage* [1982] 3 All E. R. 1016, where the director of a company had attached the label "*director's remuneration*" to gratuitous distributions out of company capital.

[543] Mills, N. *The Culture of Triumph and the Spirit of the Times* in Mills, N. (ed.) *Culture in an Age of Money: The Legacy of the 1980s* Chicago: Norm R. Dee 1990, pp.12-28, p.21.

[544] Hertzberg, H. *The Short Happy Life of the American Yuppie* in Mills, *op.cit.*, pp.69-82.

[545] Schiller, *op.cit.*, p.72.

[546] Mills, *op.cit.*, p.19.

could prosper[547]. Inevitably, this made it harder for those who occupied the bottom rungs of the ladder to earn social acceptance.

The "*homo economicus*" view of human behaviour put forward by neoconservative political philisophy was also the leading assumption behind a large part of criminological research carried out during the 1980s, as well as the criminal justice policies pursued by New Right governments in Britain and the United States[548]. Adhering to their individualist perspective on social affairs, neoconservative criminologists and policymakers were unsympathetic towards theories that explained crime by reference to a problematic social environment. Instead, reverting to classical criminological thinking, they treated crime as the outcome of a person's rational, unencumbered choice: predictably, they considered this choice to be primarily motivated by economic considerations. Clarke sought to analyse further the prospective offender's choice to commit a criminal act. He contended that it was affected by the offender's mood, motivation, moral evaluation, his perception of the risk of apprehension, his knowledge of the techniques of crime, the opportunities available for offending and the possible consumption of alcohol[549].

Conservative criminologists then sought for ways to affect this choice by deterring potential offenders from the commission of criminal offences. An obvious one was the tough, retributive sentences New Right governments introduced in both Britain and the United States; these will be subsequently discussed in more detail. For present purposes, suffice it to point out that they too rest on the assumption that an offender's relatively unencumbered *choice* lies behind his criminal act; retribution only makes sense if blame is attached to the offender for his crime. Heavy criminal penalties are consequently considered as the optimal means of restricting man's natural inclination to act selfishly within the confines of legality. In the field of

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[547] It also led to a perceptible contraction in the size of the working class during this period. The shrinking of the working class is also attributed to the decline of the manufacturing industry and manual labour and the increase in the job opportunities available in the service sectors of the economy: Riddell, P. *The Thatcher Decade: How Britain Changed during the 1980s* Oxford: Basil Blackwell 1988, p.212.

[548] Stenson and Brearly, *op.cit.*, pp.239-40.

[549] Clarke, R.V.G. *Crime Prevention through Environmental Management and Design* in Gunn, J. and Farrington, D.P. (eds.) *Abnormal Offenders, Delinquency and the Criminal Justice System* Chicester: John Wiley and Sons 1982 pp.213-30, pp.216-7.

criminology, Posner would take this approach further, by developing the concept of "*sentence-based econometrics*": the higher the profits that are to be incurred from a criminal act, the harsher the sentence that was required to deter the potential offender[550].

Additionally, Wilson argued for the merits of "*selective incapacitation*": a direction of investigation and arrest procedures towards the identification of high-rate offenders. These offenders would then be imprisoned for a long period and be thus precluded from further crime, even if, at the given instance, they were prosecuted for a relatively *minor* offence. Wilson claimed that the necessary reliance of this sentencing rationale on *predictive* methods was acceptable. Various mechanisms of the criminal justice system, such as bail or parole decisions, are equally based on a prediction of the future actions of criminal defendants[551]. Selective incapacitation is an overt admission that the criminal justice system can only be expected to work imperfectly with such a high volume of crime. Since the apprehension of most criminals proves so difficult, it is considered more expedient to focus on a selected group, composed of those most likely to cause harm in the future. Obviously, the failure of other utilitarian approaches, in particular the apparent ineffectiveness of rehabilitative treatments contributed to the embrace of incapacitating practices.

Furthermore, conservative criminologists believed they could more efficiently deter potential offenders by rendering the commission of crime, at any given instance, more difficult and risky[552]. They aimed to achieve this through the manipulation of the *"situational determinants of crime"*[553] and the increase of the likelihood of apprehension. "*Administrative criminology*", as this brand of research came to be called, chose to focus on the criminal event itself, rather than the surrounding circumstances or the events that can be construed as leading up to it[554]. The relevance of the latter was at any rate

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[550] Posner, R. *Optimal Sanctions: Key Upper Limits* in Von Hirsch and Ashworth, *op.cit.*, pp.58-65. It should be remarked, however, that modern theories of human behaviour fail to support the thesis that man always acts according to a strict, rational calculation of utility. Schneider, A.L. *Deterrence and Juvenile Crime: Results from a National Policy Experiment* New York: Springer Verlag, p.106.

[551] cf. Wilson, J.Q. *Selective Incapacitation* in Von Hirsch and Ashworth, *op.cit.*, pp.113-20.

[552] Clarke (1982), *op.cit*; Clarke and Mayhew, *op.cit.*.

[553] West, *op.cit.*,.

[554] Young (1998), *op.cit.*, p.77; Clarke (1982), *op.cit.*, p.218.

implicitly disputed, in keeping with radical right arguments that "society" was employed as an excuse for deviant behaviour. Interest in the search for the causes of crime accordingly waned; criminologists were more inclined to study the workings and processes of the various criminal justice institutions. The proliferation of empirical, "*applied criminology*" projects during this period was further linked to the fact that the Home Office funded the majority of research projects[555]. The Home Office applied "stringent criteria of [policy] relevance" in its funding decisions and thus accelerated the move away from theoretical research[556].

The methods of manipulating the physical environment, in an attempt to deter potential offenders from crime, were of many kinds. Clarke and Mayhew listed three such techniques: target hardening (such as the placing of steering column locks on cars), target removal (for example, detachable car stereos) and the removal of means to crime (the security precautions taken against hijackers in airports)[557]. Furthermore, administrative criminologists related the risk of apprehension to the likelihood that the offenders, while committing the act, were seen by a person prepared to take action against them[558]. They thus voiced their support for the involvement of ordinary citizens in schemes of community protection, such as Neighbourhood Watch. They also favoured the introduction of CCTV and the proliferation of private security firms and emphasized the need for

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[555] Either through its Research and Planning Unit or through the Home Office-sponsored Cambridge Institute of Criminology and the Oxford Centre of Criminological Research. The external funding of the Home Office Research and Planning Unit steadily expanded, reaching £648,000 in the season of 1985-86. Rock, P. *The Present State of Criminology in Britain*, in Rock, *op.cit.*, pp. 58-69. At the same time in the United States, the growth of research on deterrent and incapacitative policies was attributed to the flood of federal financial support. This drew into the field of criminal justice scholars from engineering, operational research, economics, mathematics and political science, who were geared towards the "*analytical approach to crime control policy*". cf. Wilson (1983), *op.cit.*, p.5.

[556] All external, as well as internal, projects financed required that the research programmes have a firmly identified "customer" within the Home Office, so that the programmes responded to the administrative and management needs of the Office. cf. Hood, R. *Some Reflections on the Role of Criminology in Public Policy* [1987] Crim. L. R. 527. This generation of criminologists had also missed the period of major recruitment in lecturing posts and were thus obligated to turn to research contracts in policy-driven research: Rock, *op.cit.*

[557] Clarke and Mayhew, *op.cit.*, p.5.

[558] Clarke, *op.cit.*, p.222.

alertness on the part of persons in crucial positions, such as school caretakers and bus conductors[559].

Administrative criminologists have been criticised for their deliberate oversight of labelling arguments. They preferred to treat their research as "scientific", based upon "hard data", frequently overlooking that the rules, whose transgressions they are examining, rest on overwhelmingly middle-class values[560]. It has also been commented upon that "administrative" criminology, and conservative penal thinking in general, is based on a contentious assumption about human nature: the belief that all human beings are naturally prone to self-interested behaviour and, as a consequence, crime; the latter was described as a "*universal human weakness*"[561]. Thirdly, the often exhibited tendency on behalf of neoconservative criminologists to abandon their classical assumptions of "free will" and revert to positivist arguments discredited since the 1960s and the 1970s, in order to explain the persistent criminal activity of certain lower-class citizens has been considered theoretically suspect[562].

The policies pursued by the Reagan administrations in the United States and the 1979-1983 Thatcher government in Britain are further evidence of the New Right's espousal of classicism. Particularly, their increased use of custodial sentencing betrays a belief in the merits of deterrence and retribution, and in some instances incapacitation. In Britain, the proportion of adults receiving a custodial sentence in relation to other disposals rose from 15% in 1979-1980 to 19% five years later[563]. The

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[559] Wilson, J.Q., *Crime and Public Policy* New Brunswick: Transaction Publishers 1983, *Editor's Introduction*, p.8; Clarke (1982), *op.cit.*, pp.224-5.

[560] Young (1998), *op.cit.*, pp.174-7.

[561] Young (1998), *op.cit.*, p.77; May, *op.cit.*, p.172.

[562] Hood, *op.cit.*, p.533; Stenson and Brearly, *op.cit.*, pp.239-40. This tendency becomes readily apparent in Charles Murray's writings on the underclass: see below, Ch.IV, **d.)**. In a similar vein of thought, Herrnstein argued that there are ascertainable differences between criminals and non-criminals in physique, personality and intelligence. In his view, criminals are characterised by the possession of traits that inhibit the internalisation of prohibitions and societal conventions and produce a deficient empathetic response towards others. Although many of these traits are hereditary, Herrnstein shied away from validating the Lombrosian concept of the "*born criminal*". He merely asserted that individuals in possession of these traits have an in-built vulnerability to criminal behaviour, just as others are more easily afflicted by sickness: cf. Herrnstein, R.J. *Some Criminological Traits of Offenders* in Wilson, J.Q.(1982), *op.cit.*, pp.31-49.

[563] Reiner and Cross, *op.cit.*, *Editors' Introduction*, p.3.; Ever since its 1979 election manifesto, the Conservative Party had argued for the imposition of harsher, inflexible sentences on violent adult offenders: Riddell, *op.cit.*, pp.170-1.

average length of custodial sentences for most types of offences substantially increased[564]; in the case of serious and violent crimes against the person by 20% between 1983 and 1988[565]. A life sentence could now be imposed on any adult convicted of carrying firearms during the commission of a criminal offence[566]. The Attorney General was vested with the power to refer to the Court of Appeal for review any sentence imposed by the Crown Court that he considered "*unduly lenient*"[567]. A similar trend towards the increasing use of incarceration in the early 1980s was noted in the case of juvenile offenders[568]. The "*short sharp shock*" regime targeted on antisocial youth was introduced in two detention centres; two more were converted later for this purpose[569].

In the United States, the jail and prison populations doubled during the years of the Reagan administration, partly due to the introduction of mandatory sentencing for certain criminal offences[570]. The Supreme Court affirmed the majority of the death penalty laws that were introduced by various states[571]. As far as juvenile offending is concerned, the premier development was the legislation in many states of "*exclusion statutes*", which automatically sent juvenile defendants tried for serious crimes to adult courts. The distrust of state legislatures towards the discretion of youth court judges was thus expressed. A quarter of the states expressly redefined the purpose of juvenile courts. The delivery of punishment and justice, the safeguarding of accountability and the protection of the public were emphasised, in lieu of working in the "best interest" of the child and the rehabilitation of juvenile offenders[572].

These policies, however, met with decidedly limited success. In Britain, prisons became overcrowded; the undertaking of the Thatcher government to build twenty-six new prisons could not alleviate the problematic conditions

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[564] Reiner and Cross, *op.cit.*, p.3.
[565] Riddell, *op.cit.*, pp.170-1.
[566] Criminal Justice Act 1988, s.44 (3).
[567] Criminal Justice Act 1988, s.36 (1).
[568] Barclay, G.C. and Turner, D. *Recent Trends in Official Statistics on Juvenile Offending in England and Wales* in Booth, T. (ed.) *Juvenile Justice in the New Europe* Social Services Monographs: Research in Practice 1991, pp.75-85.
[569] Dunbar and Langdon, *op.cit.*, pp.75-6.
[570] Schiller, *op.cit.*, pp.79-80.
[571] *Ibid.*, p.83.
[572] Feld, B., *op.cit.*, pp.66-73.

prisoners were presently forced to live in[573]. Even judicial decisions expressly referred to the problem of overcrowding. In his two influential judgements in *Upton*[574] and *Begun Bibi*[575], LCJ Lane conceded the inevitability of delivering short sentences to less serious but habitual offenders, in view of the lack of available prison cell space. The mounting costs of increased incarceration also touched upon the perennial anxiety of the Thatcher governments to minimise state expenditure.

Furthermore, the deterrent effect of the custodial measures outlined above was called into question. Almost two thirds (63%) of those released in 1983 from the "short sharp shock" regimes were reconvicted within two years[576]. The scheme was duly abandoned, though some of its elements, such as the military-style drill, were transferred to other detention centres[577]. Lawlessness persisted, in spite of the rhetoric of certainty and severity of punishment; the existence of the latter was in any case disputed, as the clear-up rate in Britain fell from 41% to 32%. A 52% rise in serious criminal offences, especially burglary, theft, robbery and fraud was noted[578]. Similar trends were recorded across the Atlantic[579].

In Britain, the Thatcher government sought to confront these problems in two major ways. In the first place, it conceded that its punitive policies could play only a limited part in an effective battle against crime[580].

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[573] Riddell, *op.cit.*, pp.170-1. These conditions were among the root causes of a number of prison riots that took place in Britain in 1990: most notorious among them, the confrontation in Strangeways, Manchester, which lasted for twenty-five days. An inquiry led by Lord Woolf followed. *Inter alia* this highlighted the need for a more constructive usage of the inmates' time and for their fair treatment in the hands of the authorities. cf. Rawlings, P. *Crime and Power: A History of Criminal Justice 1688-1998* Harlow: Addison Wesley Longman Limited 1999, p.149.

[574] [1980] 71 Cr App R 102.

[575] [1980] 71 Cr App R 360.

[576] Home Office, *Tougher Regimes in Detention Centres: Report of an Evaluation by the Young Offender Psychology Unit* London: H.M.S.O. 1984; Ball, Gray *et al.*, *op.cit.*, pp.367-72.

[577] Dunbar and Langdon, *op.cit.*, pp.75-6. Unlike subsequent governments in the 1990s, the Thatcher was not averse to abandoning its punitive policies, when these proved ineffective: see ch. V.

[578] Ball, Gray *et al.*, *op.cit.*, pp.367-72.

[579] Schneider, *op.cit.*, p.4.

[580] cf. The Conservative Party *The Next Moves Forward: The Conservative Manifesto* London: Conservative Party Central Office 1987; Reiner and Cross, *op.cit.*, pp.4-6. Conservative criminologists also came to the conclusion that penal policies, even when strict, were largely ineffective in preventing crime. See, for example, Croft, J. *Crime, Punishment and Penal Policy* [1984] Crim. L. R. 531, where he argues that "*the best deterrent is the fear of being caught, not the fear of punishment.*"

Undoubtedly, the results of the first British Crime Survey in 1983, which indicated that a substantial portion of criminal activity remains unrecorded, let alone unpunished, contributed heavily to this realisation. In Mrs Thatcher's words, combating crime was "*everybody's business, everybody's responsibility*"[581]. The decisive contribution was to be made by the "*community*". The concept of the "community" referred to the welcomed intervention of privatised services, citizen volunteers and charities in issues of crime control that had traditionally been the domain of the government[582]. At first glance, the invocation of the "community" appears to contradict New Right allegiance to the individualist ethos. It is difficult to see to what extent the "community" differs from "society"; the existence of which, at least for some of the time, Mrs Thatcher expressly negated[583]. However, this self-contradiction should not be overemphasised. Features of the "*community*" or "*society*" were indeed called upon to assist in the implementation of crime control measures, but the causes of crime were, according to New Right rhetoric, *still to be found in individual decisions and choices*. The role social pressures played in generating criminal behaviour remained unacknowledged[584]. This was in spite of evidence that the rising crime rates during the first years of the Thatcher government can be linked to the booming unemployment of the era[585].

The Thatcher government also attempted to counter the problem of prison overcrowding with a move towards "desert-based" sentencing. It has already been detailed how the "justice" movement affected United States criminal justice policy[586]. A decade later, a similar phenomenon was observed in Britain. Again this influence could be detected by the emphasis given in official policies to procedural fairness and, above all, determinate

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[581] The Times, 26-5-1988.
[582] Reiner and Cross, *op.cit.*, pp.4-6.
[583] See below, Ch.IV, **b.**).
[584] *Ibid.*, p.8.
[585] *Ibid.*; Box, S. *Recession, Crime and Punishmen*t London: Hamilton 1988, pp.199-213. In a Home Office Research Study, however, Field showed that, for most offenders, no causal relation exists between unemployment and crime. Field generally acknowledged the profound importance of economic factors in the genesis of crime. He discovered a strong positive relation between the growth in economic consumption, the decline in property crime and the growth in personal crime. Field, S. *Trends in Crime and their Interpretation: A Study of Recorded Crime in Post-War England and Wales* H.O.R.S. no.19 London: H.M.S.O. 1990.

sentencing. Quite obviously, these policies, like their American counterparts, sprang from a deep dissatisfaction with the manner in which welfarist rehabilitative ideals were implemented[587].

The influence of the "justice" movement was first traced in the modifications to juvenile court sentencing policy effected by the Criminal Justice Act 1982. In spite of its generally punitive perspective on youth offending, the 1980 White Paper "*Young Offenders*" had already identified the need for an increased use of non-custodial alternatives[588]. The Criminal Justice Act 1982 stipulated that one of three criteria needed to be satisfied, before a custodial order was imposed: the offender should be unwilling or unable to respond to non-custodial penalties, or the detention should be necessary in the interests of public protection or the offence should be sufficiently serious[589]. The indeterminate borstal training order was replaced by two determinate sentences: the detention centre order and the youth custody order[590]. The length of a sentence was now treated as the sole determining factor of the amount of time the offender spent in custody. Adversarial proceedings were introduced in the juvenile court[591]. The use of non-custodial alternatives was promoted, the community service order was extended to 16-year olds, and the conditions that the court could attach to probation and supervision orders were strengthened[592].

However, the Act failed to reduce the proportional use of custody in regard to juvenile offenders. This has been primarily attributed to the lack of enthusiasm exhibited by juvenile court magistrates and appeal judges called upon to implement the new provisions. They delivered a number of long, exemplary custodial sentences, ostensibly in order to safeguard the protection of the public[593]. Nonetheless, the government persevered with tightening the

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[586] See ch. II, **c.)**.

[587] Asquith, S. *Children and Justice: Decision-Making in Children's Hearings and Juvenile Courts* Edinburgh: Edinburgh University Press 1983, pp.3-5.

[588] Home Office, *Young Offenders* London: H.M.S.O. 1980 Cmnd.8045; Parker *et al.*, *op.cit.*, pp.245-6.

[589] s. 1.

[590] ss. 4, 6.

[591] s. 3.

[592] s. 20.

[593] cf. Burney, E. *Sentencing Young People: What Went Wrong with the Criminal Justice Act 1982* Aldershot: Gower 1985. See, for example, *R. v Wood* [1984] 6 Cr. App. R. (S.) 2, where the defendant, resisting arrest while on a football ground, bit a policeman in the arm.

restrictions on the use of custody for juvenile offenders. The 1988 Criminal Justice Act united the youth custody and detention centre orders into a single determinate sentence of youth custody[594]: this has been interpreted as the first significant move towards an offence-based "desert" model in Britain[595]. By then a "sea change" in the attitude of magistrates and judges could be observed, since they too had become disillusioned with the ineffectiveness of long custodial sentences[596]. The official initiatives promoting the proliferation of non-custodial alternatives had also begun to bear fruits[597]. In 1983, the Department of Health and Social Services had made available £15 million to local authorities for the purposes of funding Intermediate Treatment projects[598]. Over a hundred of such projects by sixty-two local authorities were set up[599]. In 1985 and 1990, the Home Office gave official backing and guidance in relation to cautioning procedure[600] and the use of cautioning by the police was notably increased[601]. Ground-level probation officers and social workers were also encouraged to minimise the use of custodial measures throughout the decade. The use of custody declined significantly towards the end of the decade[602]; to a degree, however, this has been attributed to demographic changes[603].

The Criminal Division of the Court of Appeal justified the imposition of a sentence of youth custody in this case, on the grounds that a fine or an order entailing a limited restriction of liberty would not prove a sufficient deterrent.

[594] s. 123.

[595] Dunbar and Langdon, *op.cit.*, pp.75-6.

[596] The principle was set in the decision of *R. v Storey (Stephen David)* [1984] 6 Cr. App. R. (S.) 132, where it was held that judges should avoid imposing sentences to long periods of detention. A newly discovered willingness, on the part of the Court of Appeal, to strictly enforce the criteria set in s.1 of the Criminal Justice Act 1982, in relation to the passing of custodial sentences, is also witnessed in a number of decisions. See, for example, *R. v Moffett* [1984] Crim. L. R. 201 and *R. v Bates* [1985] Crim. L. R. 52, where the defendants' custodial sentences were respectively varied to a probation order and conditional discharge, precisely because the Court considered that the criteria set in the CJA 1982 had not been met.

[597] *Ibid.*

[598] DHSS LAC 83 (3); Hagell, A. and Newburn, T. *Persistent Young Offenders* London: Policy Studies Institute 1994, pp.15-8.

[599] Fionda, J. *Juvenile Justice in England and Wales* London: ISTD [n.d.], pp.2-4.

[600] *Ibid.*

[601] By 1992, 82% of known indictable offenders under 17 years of age received a caution; in 1980, the corresponding figure was 49%: Cavadino, M. and Dignan, J. *The Penal System: An Introduction* (2nd Ed.) London: Sage Publications 1997, pp.254-8; Bell, A. and Gibson, P. *Tackling the Dilemmas for Policy and Practice in Justice Systems Divided by Age* in Booth, *op.cit.*, pp.97-104, p.97.

[602] Fionda, *op.cit.*, pp.11-2..

[603] A 17% decline in the 14-16 age group has been calculated in Britain between 1981 and 1988: Hagell and Newburn, *op.cit.*

The philosophy underlying these reductive policies was the "*developmental model*". Crime was viewed as a part of the "*storm and stress*" phase of puberty, which would be naturally outgrown if the juveniles in question were treated in a non-stigmatising manner[604]. It was additionally feared that a brief period of custody would confirm these juveniles as criminals, in accordance with the theory of "secondary deviation" put forward by the labelling perspective[605]. Obviously, the trend against incarceration of juvenile offenders also owed plenty to the aforementioned dissatisfaction with welfarist policies that were seen as invading the civil liberties of their subjects. It is revealing that the Conservative government refrained from acknowledging the potentially rehabilitative effects of non-custodial sentences, even as it promoted their use. The 1988 Green Paper "*Custody, Punishment and the Community*" specified that non-custodial sentences were to be treated as "*punishment*", on a scale below imprisonment. Even conditional discharge was described as a restriction on liberty. Thirdly, the reductive policies put forward by the Conservative government had also been inspired by the "*systems management*" analysis of the penal system carried out during the 1980s by a group of academic researchers associated with the Centre of Youth, Crime and Community in the University of Lancashire[606]. These researchers claimed that the government could not successfully reduce incarceration, unless it contemporaneously intervened at *various* strategic stages of the penal process. According to this analysis, the closing of custodial institutions, though desirable, would alone not suffice; the government also needed to promote the use of cautioning procedures, as well as the employment of measures that diverted offenders from court and custody[607].

The Government attempted to minimise the costs of incarceration and confront the problem of overcrowding in the case of adult offenders as well. In the 1988 Green Paper, the Home Office also expressed its intention to transfer lessons learnt in the field of juvenile justice to its strategy towards

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[604] Fionda, *op.cit.*, pp.2-4.
[605] Hagell and Newburn, *op.cit.*, pp.15-9; see also Ch.II, **a.)**.
[606] Cavadino and Dignan, *op.cit.*, pp.254-8.
[607] *Ibid.*

adult offenders[608]. Quietly, without any new legislation, and in spite of the tough stance against crime adopted by leading Conservative politicians, there was a reduction in the use of custody for adult offenders. This was effected by a more generous use of executive release and an enlargement of the disjunction between the sentence delivered and the actual time served; and by allowing the proportional use of custody to decline[609]. Also notable was the "*twin-track*" approach towards the use of parole instigated in 1983 by Home Secretary Leon Brittan. Parole was heavily restricted in the case of violent, sex and drug offenders, but, at the same time, its eligibility was widened -even retrospectively- to include short-sentence prisoners serving as little as six months in prison[610]. By 1988, however, the increasing use of long, incapacitating sentences for serious offenders had offset the reduction of short sentences and the problem of overcrowding persisted[611].

The "homo economicus" view of human behaviour espoused by neoconservative political philosophy is shared by a number of films released during the 1980s, where the offender's decision to commit a criminal act is portrayed as being motivated by acquisitiveness: a desire to advance oneself *financially*. The archetypal example of this approach is encountered in *Wall Street*[612]. A young financial analyst extracts insider company information in an illegal manner. In return, he is handsomely remunerated by ruthless tycoon Gordon Gekko (Michael Douglas).

Similarly, a seductive young man in *American Gigolo*[613] employs himself as a high-class prostitute, so that he can maintain an extravagant lifestyle. Omar (Gordon Warnecke) and Johnny (Daniel Day Lewis), the managers of the eponymous service in *My Beautiful Launderette*[614] expand their operations into drug trafficking, in order to maximise their earnings. In

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[608] Hagell and Newburn, *op.cit.*, pp.15-9; on the same subject, see the discussion of the 1991 Criminal Justice Act in Chapter V, **c.)**.
[609] Clarkson and Morgan, *op.cit.*, pp.7,16.
[610] Bottoms, A.E. *Philosophy and Politics of Sentencing* in Clarkson and Morgan, *op.cit.*, pp.17-49, p.40.
[611] Dunbar and Langdon, *op.cit.*, pp.78-9.
[612] *(1987, U.S., O.Stone)*
[613] *(1980, U.S., P.Schrader)*
[614] *(1985, G.B., S. Frears)*

Risky Business[615], a business-minded young prostitute devises a scheme. She and the high-school student she has become involved with should "*get [their] friends together*"[616] for one night in the latter's empty family home, and reap the considerable profits from the transactions conducted within. Joel (Tom Cruise), the high-school student in question, initially assents to this scheme, because he wishes to pay for the damage inflicted on his absent father's Porsche[617]. Even treason is committed for monetary gain in *The Falcon and The Snowman*[618], where Daulton Lee (Sean Penn) treats the sale of classified CIA information to the Soviet Union as a "*business*"[619].

In many of the films examined previously in this study, the purpose underlying the depicted offences was also *monetary*. However, the 1980s films discussed in this section should be distinguished from earlier examples on three grounds. In the first place, the criminal's desire for monetary enhancement in the 1980s films is offered as the *major*, if not the *sole* rationalisation for his offending actions. This should be compared to the approach of *Bonnie and Clyde*, produced in the 1960s. In this case, among a plethora of explanations for their crimes, the robbing protagonists proclaimed that these were their favoured means of earning a living[620].

Secondly, it is significant that, in the 1980s films, it is **prosperity** that motivates the criminal offenders. They have already assured their subsistence. Daulton in *The Falcon and The Snowman* is a member of an upper-middle-class family. Buddy Fox (Charlie Sheen), the leading character in *Wall Street*, is earning a respectable income as a financial analyst before becoming involved in illegality. In complete contrast, in films such as *Midnight Cowboy* and *Poor Cow* -both produced in the 1960s-, the offender sought, through his crimes, to obtain a basic means of subsistence[621]. Their poverty directly motivated them towards crime.

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[615] *(1983, U.S., P.Brickman)*
[616] (ie. their fellow prostitutes and final year students)
[617] However, he is pleasantly surprised when the profits from this venture exceed his original calculations.
[618] *(1985, U.S., J.Schlesinger)*
[619] His partner, Christopher Boyce (Timothy Hutton) is guided by other motives: see below, **c.)**.
[620] See Ch. II, **c.)**.
[621] *Ibid.*

In tune with this spirit, the 1980s films linger on the luxury consumer items, affordable only to the spectacularly wealthy: the designer clothes of the leading character in *American Gigolo*; the Ferraris and the Porsches depicted in *Risky Business*, *American Gigolo* and *Masquerade*[622]; the opulent, interior-designed mansions and apartments in *Masquerade* and *Wall Street*. These are, of course, further instances of the *plutographic* depictions that dominated in different media during this period. The divergence between 1980s youth and elder generations in their respective attitudes towards wealth is illustrated by the confrontation between Buddy and his father in *Wall Street*. "*There's no nobility in poverty anymore*", Buddy stresses to his father at one point. The latter, a proud, blue-collar worker, exhibits little sympathy for speculators like Gekko, who earn fortunes by investing in financially troubled companies, closing them down and profitably divesting their valuable assets. As a union representative, he initially opposes Gekko and his son's take-over bid for the aerospace company in which he works. He rightly fears that Gekko will choose to liquidate this presently *solvent* company, the moment this option appears more profitable than keeping it in business, and his co-workers' jobs will be unjustifiably lost.

The third major difference between the films of the 1980s and their earlier counterparts is that, in the former, the offenders' greed is not attributed to their *pathological* mental state. This is in stark contrast to the approach of 1950s *Cast A Dark Shadow* and 1970s *Dirty Harry*, where pecuniary motivation, on the part of the criminal, was depicted as originating in his severe mental disturbance[623]. In the 1980s films, even in cases where the offender ultimately regrets his philistine actions, as does Buddy Fox in *Wall Street*, it is not intimated that behind these lay anything other than his rational, albeit misguided, free choice. As we shall see, there is a general distrust, in the films of the 1980s, towards explanations of human behaviour in terms of determinism and pathology[624].

On the contrary, greed is defended in the 1980s films as a legitimate and valuable motivation of human endeavour. Nowhere is this rendered more

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[622] *(1988, U.S., B.Swaim)*
[623] See Ch. III, **a.)**.
[624] See also below, Ch.IV, **b.)**.

explicit than in the infamous "*greed is good*" address Gekko delivers to the stockholders of a company he aims to take over and liquidate. The gist of Gekko's argument is that the economy will function optimally, if everyone acts according to their naked –financial- self-interest, disregarding the consequences their actions will bear on others. The stockholders should thus sell Gekko their shares in the company at the favourable price offered, without concerning themselves with the fate that will befall its employees. Gekko's address is an undisguised attack on institutions and practices that seek legitimation through reference to a wider social utility, such as the Welfare State. It spells out the assumptions upon which the economic policies advanced by the New Right governments on both sides of the Atlantic rested. Such was the impact of this speech, and the power of Gekko's persona in general, that it is easy to overlook the fact that the narrative of *Wall Street* ultimately condemns this hierarchy of societal values. Gekko and Buddy end up apprehended and disgraced; the latter comes to acknowledge the error of his ways, forsakes his idolisation of Gekko and rediscovers the merits of his father's moderate stance towards material advancement.

Even more striking is the celebration of greed in the high-school environment of *Risky Business*. In one of the opening scenes of the film, a group of final year students exhibits an obsessive fascination with the salaries of their elder acquaintances. They laughingly concede that their principal ambition in life is to "*make a lot of money*". Joel, the protagonist, is hesitant about entering into a romantic affair in his final year at high school, as this would distract him from his college admission examinations and thus jeopardise his all-important "*future*". Subsequently, he observes his prostitute girlfriend with admiration, as she develops the business venture that entails the use of his parents' house as a brothel. He particularly approves that "*no guilt, no doubt, no fear*" burdened her mind; she was devoted to the "*shameless pursuit of immediate material gratification. What a capitalist!*" he exclaims. Joel's involvement in this illegal enterprise proves of great benefit to his *personality* as well. The orchestration and execution of his girlfriend's bold scheme infuses him with confidence and contributes to his progression into adulthood; in his own words, he has learned to "*walk like a*

man". Amusingly, even the interviewer of a prestigious college, who is initially reluctant to recommend Joel in view of his mediocre grades, is ultimately convinced about doing so, having enjoyed the services of the prostitutes at Joel's party.

It becomes evident from *Risky Business* that greed is defended, even when it is shown as leading to manifestations of criminal behaviour. It is worth adding at this point that, within the films themselves, the characters have few qualms of conscience about engaging in illegality. Their self-identity is only marginally affected by their involvement in criminality; in accordance, they frequently employ fashionable "business" jargon in reference to their criminal activity[625]. Both Omar in *My Beautiful Launderette* and Daulton in *The Falcon and The Snowman* speak of the need to "*expand*" the area of their illegal operations. In *Risky Business*, Joel asks a fellow student he has employed as cashier whether his illegal venture is achieving "*good cash flow*". Such use of language on the part of cinematic characters is testament to the cultural impact of the corporate ethic during this era[626].

An examination of *Goodfellas*[627] further clarifies some of the presuppositions made in the films discussed above. This film deals with the involvement of Henry Hill (Ray Liotta) in the lower echelons of the Italian-American criminal subculture. From a very young age, Hill appears bent upon pursuing a criminal career: "*to live any other way was nuts*", he asserts. This is because, as he states, the criminals in his locality "*had it all*"; they

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[625] The use of "business" terms in reference to unrelated activity is encountered in a variety of films produced during this era. See, for example, *Working Girl (1989, U.S., M.Nichols)*, where a corporate executive refers to marriage as a "*merger*".

[626] In other instances, cinematic characters appear visibly influenced by the political rhetoric espoused by New Right governments during this era. In *River's Edge, (1986, U.S., T.Hunter)* Lane (Crispin Glover) seems to have fully assimilated their curious ideological mix of economic libertarianism and sloganeering patriotism. Having resolved to hide the evidence from the murder that his school friend John (Daniel Roebuck) committed, Lane becomes outraged by the murderer's own apathy towards the likelihood of detection. "*It's people like you who are selling this country down the tubes*", he berates him. "*You've got no sense of pride...Why do you think there are so many welfare cases? Why do you think the Russians are gearing up to kick our asses?*" Similarly, in *I Love You To Death (1990, U.S., L.Kasdan)*, a young man, about to be assigned with the murder of a philandering husband, reasons: "*If we're going to waste the dude, we oughtta get paid for it, man. That's the American way*". His elder partner adds: "*We're not communists here*". In the British context of *My Beautiful Launderette*, Omar's self-made uncle testifies to the cultural impact of Thatcherism, when he refers to Britain, with no irony, as the "*land of opportunity*".

[627] *(1990, U.S., M.Scorcese)*

were "*legends*", "*somebodies in a neighbourhood full of nobodies*"; they "*did what they wanted*". While still a teenage boy running errands for them, he "*earned more than most grown-ups, and more respect than anyone else*". On his first date with his future wife, Hill takes her into a fashionable restaurant through the rear entry. All the members of the staff heartily welcome him; the girl is suitably impressed. Towards the end of the film, Hill is apprehended by the Narcotics Bureau and is persuaded, in order to avoid a long custodial sentence, to enter a Witness Protection Programme and testify against his former colleagues. The final scene pictures him picking up a newspaper from the front door of an ordinary suburban house. In his narration, Hill admits to resenting his current status as "*an average nobody*"; "*the hardest thing*", he confesses, was "*leaving the Life*".

Hill also acquires estimable wealth through the proceeds of his crimes. As far as he and the other Mafiosi are concerned, however, financial gain is significant only insofar as it reinforces the criminals' elevated *status* in their neighbourhood. *Wall Street* and *My Beautiful Launderette* should be revisited at this juncture. It is perceived that, in these films too, the offenders' frantic quest for wealth masks a larger desire, on their part, for enhanced social status. As a drug dealer in the latter film puts it, "*you're nothing in Britain without money*". Buddy Fox in *Wall Street* may earn a respectable living as a run-of-the-mill analyst, yet he is acutely aware that, in the circle he consorts, he is socially insignificant. The conditions he works in are revealing in this respect. He is crammed in a horrendously noisy room with nearly a hundred other analysts. Once he commences to work for Gekko, he thereby progresses in the hierarchy of his securities company and occupies his own office, located next to the crowded space in which he previously worked. Gekko, of course, occupies an even more spacious and lavishly decorated office.

In the same vein, Buddy's predictions of stock market fluctuations are summarily dismissed by Gekko, who points out to him that he has at his service a hundred of his own analysts, to pore over the same facts as Buddy. Only when Buddy begins to employ illegitimate means of acquiring company information, does he become of use to Gekko. This introduces another vital assumption made in this cluster of films: the notion that in the

pursuit of wealth, illegality is not only permissible, but may also be *necessary*. In part, this is due to the sheer magnitude of financial gain that is now desired by youthful offenders. It is also evident that faith in delayed gratification has been severely eroded. Even aspirants with the requisite talent and qualifications, such as Buddy, appear reluctant to pursue traditional, legitimate channels of social ascension and material advancement.

Finally, we have seen in the films produced in previous decades the excitement cinematic offenders often derived from the mere transgression of legal rules[628]. For the offenders in the category of films currently examined, however, breaking the law is solely a means towards the ultimately desired end: financial profit. No particular pleasure is to be had in the illegal act per se. After all, as has already been noted, the offending characters desist from viewing themselves as different from those employed in legitimate lines of business. On the contrary, excitement is now derived from the *result*, the proceeds of the offenders' crimes; and their consequent ability to enjoy the expensive items and services, previously the exclusive preserve of the extremely wealthy[629]. This is made clear in both *Wall Street* and *American Gigolo*. It can be contended that this cultural development is detrimental to the interests of the legal order and society in general. When enjoyment was to be found in the mere transgression of legal rules, minor infractions could suffice. Now, however, only crimes with the potential for major profits are contemplated.

b.) Family, Supervision and Crime

The New Right emphasised the significance of solid, well-functioning families. Its views on the family are once more characterised by their allegiance to the individualist ethos. Responsibility for the correct upbringing of children, it was contended, *rested with the individual parents*. Mrs Thatcher railed against the "*culture of excuse*", espoused by parents and

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[628] See also below, Ch.IV, **c.) ii.)**.

[629] The exception to this is to be found in *Risky Business*. In this film, Joel is clearly enjoying himself when executing his girlfriend's bold and illegal scheme. However, his excitement is unrelated to the *illegality* of his actions; the possibility of detection by the authorities does

teachers, which avoided notions of personal responsibility and discipline and sought to locate the roots of familial malfunctions in the wider social environment[630]. "*There is no such thing as society*", she pronounced. "*There are only individual men and women and there are families*"[631]. Accordingly, in their 1987 manifesto, the Conservatives held poor parental support for strict school discipline to be accountable for the increase in juvenile crime[632]. Needless to add, the origins of the "*culture of excuse*" were traced back to the permissive ethos of the 1960s[633].

It has already been alluded to that, within the conservative neoclassical strand of criminology, there also existed an inclination to fall back upon old-fashioned positivist arguments to explain the consistent involvement of certain people in criminal activity[634]; amongst them the alleged association between a deficient familial environment and criminality[635]. In relation to this specific association, this tendency will become readily apparent, when the issue of the underclass is subsequently dealt with[636]. It needs to be stressed, however, that these theorists never went as far as to claim that a malfunctioning familial environment *determined* the offender's involvement in criminality. The offender was still considered to retain an element of choice in regard to his eventual participation in criminal activity.

McCord specifically related criminality to inadequate parental supervision. Although she conceded that children were more likely to be adequately supervised in an intact home, she treated the commonly forged association between a broken home and delinquency with scepticism. The quality, not the quantity of parenting was discovered in her research to be of

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not enter in his thoughts. What stimulates Joel is the opportunity of fully expressing his materialistic drive.

[630]Riddell, *op.cit.*, pp.170-1.

[631] *Ibid.*

[632] Downes, D. and Morgan, R. *Dumping the "Hostages to Fortune"? The Politics of Law and Order in Post-War Britain* in Maguire *et al.*, *op.cit.* (1997), pp.87-134, pp.93-4.

[633] It should be repeated here that the ideas of the New Right were directly influenced by the reaction of the "*moral majority*" against 1960s permissiveness in the beginning of the 1970s. See Ch. III, **a.)**.

[634] See above, Ch.IV, **a.)**, fn. 562.

[635] Stenson and Brearly, *op.cit.*, pp.239-40: see, for example, Wilson and Herrnstein, *Crime and Human Nature: the Definitive Study of the Causes of Crime* New York: Simon and Schuster 1985.

[636] See below, Ch.IV, **d.)**.

prime importance. If anything, parental separation, by terminating an acrimonious home atmosphere, could prove in certain instances beneficial[637].

Research findings such as these added to the growing sentiment that parents who fail in the supervision of their misbehaving children should be held *legally* liable. A Committee of Enquiry chaired by Lord Elton, assigned to investigate school discipline, received many suggestions to that effect[638]. The Criminal Justice Act 1982 had already encouraged the courts to make greater use of their powers to hold parents financially liable for fines, costs and compensation arising in the course of criminal proceedings against their offspring. By the end of the decade, the 1990 White Paper "*Crime, Justice and Protecting the Public*" called for legislation that would allow courts to order the attendance of parents in criminal proceedings instituted against their children. It also proposed that fines on juvenile offenders should be calculated in relation to the financial situation of their parents. More controversial was the extension of the concept of the "bind-over", whereby parents could be forced to enter a recognisance of up to £1,000 to take proper care of their children and exercise proper control, if it was considered reasonable in the circumstances. The adoption of curfew requirements as a condition of the supervision order was also suggested. All the aforementioned recommendations were subsequently incorporated in the 1991 Criminal Justice Act.

Ironically, the emphasis placed by these measures on parental responsibility echoed the radical philosophy of the 1969 Children and Young Persons Act. A crucial divergence between the two lines of thinking could, however, be detected. The Fabian architects of the 1969 Act believed that the solution to familial malfunctions was to be found in the assistance and treatment handed out by social workers, on a voluntary basis or after civil proceedings. Conversely, the Thatcher governments, in accordance with their generally retributive stance towards offending behaviour, appeared convinced that *criminal* proceedings would prove more effective in obliging "*the deliberately delinquent parents of delinquent children*" to take

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[637] cf. Mc Cord, J. *A Longitudinal View of the Relationship between Parental Absence and Crime* in Gunn and Farrington, *op.cit.*, pp.113-28.

command over the latters' unruly behaviour. It was further hoped that such proceedings might also serve as a cautionary example towards other parents[639].

A revival of the thesis that crime and delinquency originate in the malfunctions of the familial environment is also evidenced in the films produced during the 1980s. In *Angel*[640], a teenage girl resorts to prostitution out of economic necessity, in order to earn her living after both her parents have abandoned her. The young girl heavily misses her father and longs for his return.

Additionally, in the same film, the lives of the young girl and her fellow prostitutes are thrown into danger by the actions of a vicious, disturbed serial murderer. It is noteworthy that the crimes committed by the latter are also explained through reference to the deleterious impact of his familial experiences. A police lieutenant diagnoses with great conviction that, whoever the murderer is, he must suffer from severe psychological trauma, originating in the abuse he received by his mother, as well as his father's desertion[641]. This assessment is based on conjecture; the lieutenant is not aware of the identity of the murderer, let alone his particular family history. Nonetheless, it is significant that this theoretical assessment remains unchallenged throughout the course of the film.

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[638] cf. Elton, R.E. *Discipline in Schools: Report of the Committee of Enquiry chaired by Lord Elton* London: H.M.S.O. 1989.

[639] Allen, R. *Parental Responsibility for Juvenile Offenders* in Booth, *op.cit.*, pp.105-15. A growing anxiety that child abuse cases are on the increase is also perceived in both Britain and the United States during the 1980s. Marwick, *op.cit.*, pp.366-7.

[640] *(1984, U.S., R.V.O'Neill)*

[641] The theme of parental abuse is also touched upon in *Scrubbers (1982, G.B., M.Zetterling)*, a film that seeks to expose the tribulations suffered by the female residents of a Borstal, the way *Scum* did for their male counterparts: see above, Ch. III, **b.)**. One of the girls mentions being sexually abused, in the past, by her stepfather. Similarly, in *Risky Business*, the audience is informed that the business-minded prostitute left home at a very young age, in order to escape from her stepfather's repeated sexual propositioning. In a specific scene in *Goodfellas*, the young Harry Hill is beaten by his father, once the latter is informed about his son's truancy. Finally, in *Purple Rain (1984, U.S., A.Magnoli)*, the protagonist's parents argue constantly and his father frequently batters both him and his mother. Such is the impact of these experiences upon the young protagonist's psyche that he unwittingly emulates his father's behaviour and abuses his girlfriend, when he learns that she cooperates with a rival music group. The theme of corporal and -particularly- sexual abuse within the family will become even more prominent in the films of the next decade: see Ch. V, **a.)**.

The dissolution of the family is also a major theme in *River's Edge*. The film focuses on a dysfunctional suburban family that is headed by a divorced, ex-hippie mother, who, by her own admission, has given up "*on this mother bullshit*". She lazes around all day, consuming soft drugs and exercising minimal supervision over her two adolescent children. The younger of the two, still in his early teens, already engages in a variety of delinquent exploits. The mother's irresponsible attitude towards her children's upbringing can be construed as a damaging consequence of the expressive, self-idealising ethos of that era[642].

Many other films of the 1980s claim a direct association between a deficient home environment and contemporaneous or subsequent deviance. The extreme case is encountered in *Friday The 13th Part II*[643]. In this picture, a semi-atavistic, severely disturbed serial killer menaces an isolated summer camp. His grossly deviant behaviour is attributed to the psychological trauma he suffered upon witnessing, as a young child, the execution of his mother, a serial murderer herself.

In *The Falcon and The Snowman*, both Christopher Boyce and Daulton Lee suffer from problematic relations with their parents. As shall be subsequently detailed[644], the sympathies of the audience align in this narrative with Christopher; his act of treason is depicted as being under the circumstances *justified*. All the same, his unforgiving father, a former government official himself, refuses to intervene so that his son is treated with leniency: "*Let him be judged*", he solemnly declares.

Wish You Were Here focuses on the tempestuous, ill-mannered behaviour of an adolescent girl in an English seaside town in the early 1950s. In one scene, Linda (Emily Lloyd), the girl in question, while training as a hairdresser, deliberately burns her client's hair, just because the latter has irritated her. It is rendered clear in the film that Linda deeply misses her dead mother; in a certain instance, embittered by her father's affair with another woman, she finds comfort in smelling her mother's old dresses. Her lack of emotional attachment to her father, who was absent in her formative years

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642 cf. Lewis, *op.cit.*, pp.14-16.
643 *(1981, U.S., S.Miner)*
644 See section Ch.IV, **c.) i.)**.

due to his service in the Second World War, is also held to account for her troubled behaviour. This resuscitates the familiar argument that the rise in 1950s juvenile delinquency rates can be attributed to the dissolution of family life effected by the Second World War[645].

It is notable that the offending characters in these films often display *themselves* an overt awareness of the thesis that a problematic familial environment leads to crime and delinquency. In *River's Edge*, when the younger child of the dysfunctional family discussed above is asked why he and a friend are "*such delinquents*", he comes up with an all-too-ready answer: "*Because we had fucked up childhoods*". The plot of *River's Edge* mainly revolves around another schoolboy's, John's (Daniel Roebuck), seemingly unmotivated murder of his girlfriend[646]. In searching for an explanation for his crime, John is immediately led to consider the impact of his mother's death, before concluding "*it's not that important*".

The protagonist of *Heathers*[647] seeks, with a series of calculated murders, to deliver justice to the emotionally bullying elite of his high school. By the end of the film, the full psychoticism of his behaviour has been revealed; he now intends to detonate a bomb in the school building, while a massively attended basketball game is taking place. His former girlfriend, a reluctant accomplice in his murders, vainly essays to reason with him. "*Maybe I'm blowing up a school because nobody loves me*", the murderer mockingly responds. In his case, however, the association between an unaffectionate domestic environment and deviant behaviour is validated: his beloved mother has passed away and relations with his father are depicted as being unaffectionate and competitive.

Finally, in *The Breakfast Club*[648], a heterogeneous assortment of high school students is forced to spend Saturday morning together in a detention class. At a certain point, the "*criminal*" member of the class exposes to his fellow detainees a cigar burn his father has allegedly inflicted upon him. The

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[645] See Ch. I, **a.)**. An association between youthful offending and a broken home is also drawn in *Footloose (1984, U.S., H.Ross)* and in *Christiane F: Wir Kinder Vom Bahnhof Zoo (1981, West Germany, U.Edel)*.

[646] John's lack of motivation renders the murder even more disturbing: cf. Bruce, B. *The Edge* Cine Action no.12 (April 1988). The film is actually based on a real-life incident of a more grisly nature. Lewis, *op.cit.*, pp.14-6.

[647] *(1989, U.S., M.Lehmann)*

high school "*princess*" immediately dismisses this as "*part of [his] image*".[649].

This awareness of the alleged effects of a deficient familial environment, on the part of cinematic characters, is not a novel phenomenon. In the 1960s *West Side Story*, the delinquent gang of the "*Jets*" demonstrated their familiarity with theories that posited the root of deviant behaviour in abusive, unaffectionate upbringings. As can be recollected, the "*Jets*" actively ridiculed these theories, less than convinced about their validity[650]. These theories received little support from the narrative of the film itself; the family life of the delinquents was not focussed upon as a likely cause of their behaviour.

The characters in the 1980s films also dismiss the causal association commonly made between an unsatisfactory family life and criminality. However, as has been detailed, in their case, with the possible exception of John in *River's Edge*, the validity of this association is upheld in the films as a whole. The impact of their home experiences as a contributing force towards their offending behaviour cannot be easily dismissed.

This association, however, requires further elaboration. In the first place, it should be emphasised that only in the extreme instance of *Friday The 13th, Part II* is it intimated that the offender's behaviour has been *determined* by the psychological trauma originating in his negative home experiences. Neither are the offenders' crimes a straightforward reaction to the deficiencies within their family environment, as was the case in 1950s *Rebel Without A Cause*.

The distrust towards deterministic accounts of human behaviour, and the emphasis on the *supremacy of individual choice* already encountered in the 1980s "greed" films[651], is replicated here. It is revealing that, even in

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[648] *(1985, U.S., J.Hughes)*

[649] The audience, however, have little cause to doubt the veracity of his claims. It is also of interest to point out that, in *The Breakfast Club*, even the *non-delinquent* students confess to facing difficulties in their relations with their parents. Juvenile delinquency transpires as being one of many possible manifestations of a malfunctioning parent-child relationship. For example, the high-school "*jock*" confesses that he participated in a torturing prank on a fellow student out of antagonism towards his father, who repeatedly impresses upon his son how wildly he behaved during his years in high-school.

[650] See Ch. II, **c.)**.

[651] It is recollected that in these films, an individual typically chose to commit a crime in order to advance himself financially. Crime is explained by reference to individual choice in

Angel, the heroine is depicted as being ultimately capable of transcending the pressures of her unenviable situation. In the final scene of the film, with the assistance of a benevolent police lieutenant, she resolves to abandon prostitution[652].

Furthermore, the disbelief in the effectiveness of psychiatric methods, already evidenced in the films of the 1970s[653], persists in this decade. In *River's Edge*, John brands himself a "*psycho*"; "*what other excuse do I have?*" runs his argument. Disillusionment with psychiatry is also evidenced in *Wish You Were Here*. This is in spite of the realisation that this is a film concerned with female deviance, where psychiatric methods have traditionally had great purchase[654], and that it is set in the early 1950s, when, as has already been detailed in this thesis, confidence in the discipline was running particularly high. Linda's father enlists the services of a psychiatrist. After a minimally useful, uncooperative session, the psychiatrist comes to the generic conclusion that "*something happened during Linda's childhood*". The father offers the death of Linda's mother; the psychiatrist uncertainly replies that this "*could have something to do with it*". Linda's father discontinues the treatment, unsure that it is "*worth it*".

In the 1980s films, what rather appears to be proposed is that the offenders' lapse into criminality is, in most cases, a consequence of the lack of supervision and emotional attachment that often accompany a problematic home environment. The correspondence with the fundamental assumptions of Hirschi's non-psychological control theory is evident[655]. *The Outsiders* provides us with a further example of this approach. We are informed that the reason one of the "*greasers*" spends so much time on the streets, engaged

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the films discussed in sections **c.)** (where, at any rate, criminal behaviour is embraced in view of its *positive* qualities), and **d.)** of this chapter as well: see the relevant discussions below.

[652] In *The Breakfast Club*, the individual's ability to transcend *labelling* pressures and, through the exercise of his free will, resist the label ascribed to him, is manifested. Towards the end of the film, the detained students express their resentment against being "*brainwashed*" by the school authorities–and adults, in general- to see themselves "*in simplistic terms*": as a "*brain*", a "*jock*", a "*princess*" or a "*criminal*". Their collective experience in the detention class has taught them that their existence cannot be reduced to such facile descriptions. In a letter they write to the unsympathetic school principal, they assert that each of them can be whatever they *choose*.

[653] See ch. III, **a.)**, **b.)**.

[654] See, in particular, ch. II, **e.)**.

in delinquent behaviour, is his wish to avoid the quarrelsome atmosphere of his home. The behaviour of another member of the gang remains totally unsupervised by an adult. To the ignorance of the welfare agencies, both his parents have died and he is cohabiting with his two older brothers, who are also minors. However, it should be repeated here that in the 1980s films the individual is depicted as having a choice to resist the pressures towards criminality emanating from his malfunctioning familial environment. The ties to conformity may be relaxed, as a result of the absence of supervision and attachment, and this may give rise to greater opportunities for delinquency, yet the ultimate decision always rests with the individual.

Finally, it should also be stressed that, in the majority of the films examined in this section, the offenders' unsatisfactory familial environment is not offered as the sole, comprehensive explanation for their behaviour. As shall be seen directly below, *positive* rationalisations also underlie the offenders' choice to engage in criminality in many instances.

c.) The Interaction of Countercultural Ideals with the Individualist Ethos

i.) The Diminished Sanctity of the Criminal Law

An acute disrespect towards symbols of authority and, particularly, the legal order is witnessed during this period in Britain. A sizeable number of citizens were prepared to embark upon criminal and violent activity, in order to press their claims or defend their legitimate interests. The prolonged and extraordinarily violent confrontation between the striking miners and the government between 1984 and 1985 is the most memorable occasion. The origins of this dispute are to be found in the determination of the Conservative government to render the coal industry self-supporting, even if this entailed extensive pit closures and the concomitant dissolution of whole communities[656]. The intransigence displayed by both the government and the

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[655] The emphasis on parental supervision also brings to mind the theory put forward contemporaneously by Joan McCord: see above.
[656] Marwick, *op.cit.*, pp.333-4.

miners' leadership, and the increasingly alienating intervention of the British police, served to render the dispute especially hostile and violent[657].

On a similar note, violent disturbances erupted between employees of the publishing company News International and the Metropolitan Police between 1986 and 1987; the former protested against the company's introduction of modern print technology in its new Wapping premises that was expected to result in widespread redundancies[658]. Finally, the urban riots committed by youths of all races, which broke out in 1981 and 1985 in inner cities across the country, are worth mentioning at this point, though these will be examined in detail in relation to the subject of race and the underclass[659].

The Thatcher government sought to combat rising lawlessness through a series of laws that have been described as authoritarian[660]. The 1984 Police and Criminal Evidence Act gave the police greater powers to stop, search, arrest and detain suspects; to enter and search suspects' premises as well as to seize items from within[661]. The 1986 Public Order Act vested the police with enhanced preventive powers to handle assemblies and demonstrations and also made it easier to evict and charge trespassers. The Criminal Justice Act 1988 gave the police powers to stop and search persons suspected of carrying knives or similar objects[662]; it also abolished the centuries-old right of defence counsel to peremptorily challenge jurors[663]. The police were trained in paramilitary techniques, in situations of riot and crowd control, and in the use of riot shields and batons. They increasingly resorted to the employment of firearms and technological methods of surveillance. It was noted that bail conditions were frequently used in order to prevent the free movement of

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[657] Countless violent incidents, involving the police, working and striking miners, took place around the country, causing the death of two people. Marwick, *op.cit.*, pp.330-52.

[658] Violent incidents involving 7,000 pickets and demonstrators and the police took place on the anniversary of the move (24-1-1987); 300 people, including 162 policemen were injured. 440 official allegations of police brutality were made, which resulted, after an independent inquiry, into the issue of 26 summons and the suspension of 14 Metropolitan police officers from duty. Marwick, *op.cit.*, pp.342-3.

[659] See below, Ch.IV, **d.)**.

[660] Ewing, K.D., and Gearty, C.A. *Freedom Under Thatcher: Civil Liberties in Modern Britain* Oxford: Clarendon Press 1990.

[661] ss. 1-52. These powers were balanced, however, with provisions that safeguarded the rights of criminal suspects.

[662] s. 140.

[663] s.118.

certain types of political activists. The police and the legal system were, in general, criticised during this era for assuming overt political roles in their effort to stifle dissent by "extremists" and "agitators[664].

The proliferation of violent order-defiance in 1980s Britain is closely examined, because it can reasonably be argued that it betrays the influence of both the counterculture and the New Right philosophy that developed as a reaction against it. On the one hand, the employment of violence has frequently been viewed as a legitimate form of protest against a Conservative government determined to push through its divisive agenda. The increasingly partisan, repressive role assumed by the police in its endeavour to uphold legality undoubtedly fuelled the protesters' wrath. Viewed from this perspective, the protesters' actions in the miners' strike and the urban riots can be interpreted as a natural continuation of the heightened pressure group activity of the 1970s, and, even before that, the student confrontations of the 1960s.

At the same time, however, the disturbances in 1980s Britain can be connected to the individualist ethos so arduously promoted by the New Right and specifically, the monetarist economic policies pursued by the Thatcher governments. Marwick makes the point that society was more unified under the Keynesian policies which sought to sustain welfare services and control unemployment. These policies, quite apart from their financial utility, were a governmental embodiment of the values of civility and tolerance[665]. The New Right governments hastened to dispose of them, without putting an adequate normative substitute in their place. What remained was the potentially threatening endorsement of selfishness. By engaging in criminal activity, the disparate groups described above effectively placed the motives and interests of themselves, and their individual peer groups above considerations of civility and legality. Hence, apart from evidence of disrespect towards authority, these groups' actions can be interpreted as a

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[664] Ball, Gray *et al.*, *op.cit.*, pp. 367-72. Also in the United States, the police were vested with expanded authority to interview suspects and use illegally seized evidence in court. Many of the constitutional protections accorded to defendants were eroded, including the right to be notified by the police about their right to silence. Schiller, *op.cit.*, pp.79-80.

[665] David Marquand's thesis that Keynesianism was at any rate doomed should be noted. He claims that the spirit of national community these policies depended upon had long vanished

distorted expression of the self-focused, extremely individualist ethos of the era[666].

In the previous chapter, it was noted how the radical philosophy of the counterculture was transformed during the 1970s. Owing to the fragmentation of social groups and the diminished credibility of communist regimes, the ideals of liberation and challenge of authority, though still informing the actions of sizeable segments of the population, and particularly the aforementioned pressure groups, had been largely divorced from their original Marxist connotations. It can be advanced that a further transformation of a similar nature took place during the 1980s. The ideals of liberation and challenge of authority still retain their potency, yet their practice is substantially affected by the individualist perspective on social affairs that predominates during this period.

In the chapter on the 1970s, it was noted that in films of the period, such as *Dog Day Afternoon* and *Sugarland Express*, the moral obligation to obey the criminal law in all situations came under serious question. A similar point can be made in respect to certain films released during the 1980s, such as *The Falcon and the Snowman* and *Heathers*. However, a distinction can be drawn between the two sets of films. In the 1970s, the offending characters elected to violate the criminal law in order to pursue a purpose of a decidedly personal and, one could add, sentimental nature: the desire to nurture one's child in *Sugarland Express*, for example. By way of contrast, the leading characters in *The Falcon and the Snowman* and *Heathers* choose to commit a criminal act, in order to put into practice specific *ideals* and *values*. To a degree, the films depict their characters' anti-authoritarian stance as being commendable.

These ideals that the offending characters pursue in the 1980s are drawn from a specific political theory -Marxism- only in the deeply idiosyncratic case of *First Name: Carmen*[667]. In this film[668], a terrorist group

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by the 1980s; and the Trade Unions were as guilty of self-seeking attitudes as anyone else: Marquand, D. *The Unprincipled Society: New Demands and Politics* London: Fontana 1988.

[666] Marwick, *op.cit.*, p.379.

[667] *(1983, Fr./Switzerland, J.L. Godard)*

[668] Directed by Marxist director Jean-Luc Godard.

carries out a robbery of a large bank. The members of the gang view this crime as part of their revolt against the "*crappy economic system*". "*The light of the just will outshine the light of the wicked*", they declare with full conviction. The audience is invited to sympathise with the militant tactics of the terrorist group[669].

In the other films, the ideals the offending character pursues through his action are notably *individualistic*: they grow out of his own personal value system and not out of an established political theory. This is clearly articulated in *The Falcon and The Snowman*. In this film, Christopher Boyce impulsively decides to sell classified CIA information to the Soviet Union, upon being informed from within about this organisation's nefarious, undemocratic activities across the world. He ultimately grows disillusioned with the Soviets as well: "*They're as paranoid and dangerous as we are*", he concludes. However, he remains to the end unrepentant about his acts of treason. As he declares, "*I receive instructions from my conscience only*".

In *Heathers*, the principal character again refers to his own values and sentiments to justify his engagement in criminal activity. As has been mentioned, the murders he commits are a form of revenge against the ruling clique of his high school for their emotional cruelty towards less popular students. He is convinced these students "*deserve to die*". The film appears to identify with his viewpoint; his victims are indeed depicted in a deeply unsympathetic light. He kills two prominent school athletes on the basis that they had "*nothing to offer school but date rapes*". Ironically, he makes the murders of these macho characters look like a homosexual suicide pact[670].

These characters are, in effect, placing their personal judgements above the prohibitions of the legal system. Their attitude towards the legal order

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[669] This is not the case in *Who Dares Wins (1982, G.B., I.Sharp)*; in this film, the audience is asked to identify with a British SAS officer who foils the blackmailing scheme of a militant radical organisation that has infiltrated a British nuclear disarmament campaign.

[670] As has been elaborated above, the behaviour of the protagonist grows increasingly disturbed. He threatens Veronica (Winona Ryder), his former girlfriend and accomplice – also the narrator of the film and its moral centre- that she will become his next victim. In reality, he intends to blow up the whole school, again giving the impression that it was a mass suicide pact, in protest against "*society*". He fantasises about how this will be received by the media as "*a Woodstock for the 80s*". However, this could not alter the fact that, for the first half of the film, if only in the context of a black comedy, the audience is encouraged to identify with the hero's bloody revolt. Nor should the latter be seen in the limited context of the school environment: "*School was society*", as Veronica herself admits.

resembles that of the participants in the violent disputes in Britain during the 1980s. On the one hand, it can be received as evidence of a continuing challenge against the political and legal order, initiated by the emergence of the counterculture. On the other, it can be construed as a further manifestation of the individualist ethos of the 1980s, which was promoted by politicians and intellectuals who aligned themselves with those reacting against the social developments that followed the emergence of the counterculture. According to the viewpoint of the films, it is up to the individual to determine what is morally appropriate under the circumstances; legality is depicted as no longer guaranteeing moral rectitude, unlike in, for example, the 1950s films[671]. It is also evident that these characters do not expect existing social institutions to address the injustices they perceive. The belief that the CIA in *The Falcon and The Snowman*, and the ruling high-school clique in *Heathers*, will otherwise remain unpunished propels these characters into action.

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[671] The reverse point, that acts which are not morally reprehensible are frequently the subject of criminal law interdictions, is explicitly made in two other films, *American Gigolo* and *Drugstore Cowboy (1989, U.S., G.Van Sant)*. In both films, the interests underlying certain prohibitions encompassed in criminal laws are questioned. In the former film, the prostituting hero defends his illegal practices, on the basis that "*men make the laws. Sometimes they are wrong, stupid or jealous. What is legal is not always right.*" He cannot otherwise explain why "*giving pleasure to women*" has been prohibited. Similarly, in *Drugstore Cowboy*, Father Murphy, the priest who introduced the protagonist to the pleasures of heroin, rails against the repression inherent in the criminalisation of drug consumption. "*Drugs have been systematically scapegoated and demonised*", he asserts. "*The idea of escaping one's fate is anathema to these idiots*". Perhaps correctly, he predicts that right-wing politicians will use the prohibition of drug consumption "*as a legitimate pretext to set up international police operatives*". Further weight is added to this argument by the fact that the role of Father Murphy is played by well-known novelist and heroin addict William Burroughs. It can be easily seen that these protests have much in common with the reasoning underlying the offenders' decision to commit a criminal act in *Heathers* and *The Falcon and The Snowman.* In these cases too, the offenders placed their personal moral judgements above the interdictions of the criminal law.

ii.) The Exciting Qualities of Criminal Behaviour

Individual as well as collective violence became increasingly visible in British society during the 1980s. Alcohol-related disturbances caused by suburban young men gave rise to the term "*lager louts*". Episodes of hooliganism regularly accompanied football matches involving British teams since the previous decade, yet attracted increasing attention during the 1980s[672]. On 19th May 1985, a riot caused by Liverpool supporters in the Heysel stadium in Brussels, prior to the beginning of the European Cup Final, led to the death of thirty-eight rival fans. The "lager louts" and the hooligans were not acting in defence of any legitimate interests. Engaging in violence appeared to be for them a form of *thrill-seeking*[673]. Again their actions have been interpreted as an extreme expression of the self-centred ethos of their era[674]. However, insofar as their actions were motivated by their quest for sensational experiences, it needs to be noted that the linkage between transgressing behaviour and excitement is a theme that, as has been repeatedly illustrated in this thesis, predates the ascension of New Right individualist philosophy. It is a theme that has been most prominently encountered in criminological writings and cinematic representations that are associated with the emergence of the counterculture[675]. The interaction of still potent countercultural ideals and themes with the individualist ethos of the 1980s is once again evidenced here.

A further possible connection between the theme of the exciting qualities of transgressing behaviour and individualist New Right philosophy needs to be spelt out. It has already been seen that seeds of the latter can be traced back to the vehement reaction against the counterculture that was

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[672] As in the 1970s, the courts were prepared to punish severely youths involved in incidents of hooliganism. See, for example, *R. v Dunphy* [1981] Crim. L. R. 652, where the Court of Appeal claimed that the sentence of six months' detention passed on the appellant for robbing and battering a rival supporter was "*not a day too long*". See also the case of *R. v Wood*- above, fn. 593.

[673] Campling, *op.cit.*, p.40; Marwick, *op.cit.*, p.351. Although the violent behaviour of the hooligans has also been interpreted as a response against their social marginalisation. The hooligans were disproportionately drawn from the ranks of young, unemployed, working-class men. *Ibid.*

[674] Marwick, *op.cit.*, p.379.

[675] See, in particular, Chapter II, **b.)**.

witnessed in certain parts of Western societies during the early 1970s[676]. Initially, it is easily perceived how this self-focused perspective on social affairs violently clashes with basic assumptions of the counterculture, such as Marxist expectations of a class revolution, as well as the value attached by hippies to a communal, sharing lifestyle. At the same time, however, it can be supported that the ascension of this individualist perspective during the 1980s was *facilitated* by the emphasis already laid by the expressive philosophy of the counterculture on self-idealisation, on the prioritisation of self above larger considerations, such as social welfare and moral duties. In the same line of argument, it is noted that the explanation of criminality by reference to the excitement it offers to the offender was a theme that *always*, even in the 1960s, was based on an extremely individualist perspective of human behaviour. In effect, the offender in these cases prefers his sensual pleasure to any considerations of a moral obligation to obey the law.

In the field of criminology, the issue of the exciting qualities of risky, deviant acts was highlighted in the work of American sociologist Jack Katz[677]. Katz claimed that the criminologists' focus upon social and psychological background factors, in their search for the causes of crime, was narrow-sighted. Following a line of argument first developed by Matza[678], Katz pointed out that, if these factors could account by themselves for the commission of criminal offences, then those rendered subject to them would continuously engage in deviant behaviour. The fact that offenders participated in criminality for a relatively limited portion of their daily lives should have alerted criminologists to the significance of aspects in the *foreground* of criminal experience: those emerging either during or shortly before the criminal act[679].

Katz elaborated upon these aspects: he detected certain seductive qualities in criminal behaviour that rendered participation in it sensible and even sensually compelling. Criminal offenders, he argued, frequently entered

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[676] See, above, Ch.III, **a.)**.

[677] cf. Katz, J. *Seductions of Crime: Moral and Sensual Attractions in Doing Evil* Basic Books: 1988.

[678] See above, Ch.II; Matza (1964), *op.cit.*, p.21.

[679] Katz appears here to be in agreement with the focus laid by administrative criminologists on the criminal event itself, rather than the developments leading up to it: see above, Ch.IV, **a.)**.

into illegal behaviour, in order to meet a challenge made to their moral -and not their material- existence; in other words, to their self-perception[680]. Katz particularly noted the "*sneaky thrills*" enjoyed by shoplifters and vandals. He claimed that both types of offenders derived great stimulation from participating in the game of evading apprehension[681]. He also detailed the excitement that these minor, typically middle-class[682] offenders felt at exposing themselves to deviant possibilities that hitherto had appeared inaccessible[683]. In another case study, Katz illustrated that robbers participating in repeat "*stickups*" exulted in manifesting transcendent powers of control in the risky situations they invariably sought for themselves[684]. They frequently chose to dissipate the proceeds of their offences in a variety of hedonistic pursuits that were again characterised by a high degree of risk, such as gambling[685]. The offenders also revelled in the glamorous status they enjoyed in their social circles[686].

The sheer *excitement* of partaking in uninhibited, inherently risky behaviour - a recurring theme in this thesis, dating back to the 1950s- is frequently as well as vividly depicted in the films released during the 1980s. In *The Breakfast Club*, the "*criminal*" member of the class boasts that he is "*the only one who gets high*". He seeks to entice the prim high-school "*princess*" into the temptations of deviance: "*Being bad feels pretty good*", he assures her. In *Police Academy*[687], the *motif* encountered in 1970s films such as *Grease, American Graffiti* and *National Lampoon's Animal House*, where delinquency was viewed as the natural outcome of one's desire for

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[680] Katz, *op.cit.*, pp.3, 9.
[681] *Ibid.*, pp.66-7.
[682] Particularly in the case of shoplifters. During the 1980s, Cusson also insisted that the motivation underlying many delinquent offences was the thrill the offenders derived from it: cf. Cusson, M. *Why Delinquency?* (translated by Crelinsten , D.R.) Toronto: University of Toronto Press 1983, pp.39, 43-9.
[683] *Ibid.*, p.73.
[684] Ibid., pp.219-20, pp.225-8.
[685] *Ibid.*, pp.195-8, p. 216.
[686] *Ibid.*, pp. 219-32. It is observed that Katz's work, though deviating from the main body of contemporary criminological research, is no less tied to the notion that *an individual's choice* underlies a criminal act. Finally, It is noteworthy that Katz's research into career robbers draws upon Harry Hill's autobiography "*Wise Guy*" (written with Nicolas Pileggi); the film "*Goodfellas*" was based upon the same book.
[687] *(1984, U.S., H.Wilson)*

recreation[688], is now transferred into the environs of a police academy. In *Drugstore Cowboy*, the leader of the criminal gang confesses that he cherishes the thrill of his deviant way of life, nearly as much as the ecstatic experiences offered by drugs. The hazardous robberies the gang commits are highly enjoyable, "*like shooting dice*". He warns his rehabilitation counsellor that it will prove difficult to persuade him to abandon narcotics: "*I like drugs. I like the whole lifestyle*."

In the opening scene of *The Outsiders*, three members of the "*greasers*" congregate on the street. "*What are we going to do*?" one of them queries. "*Nothing legal*", their de facto leader Dale (Matt Dillon) declares. The audience dizzily follows them as they illegally climb into a drive-in cinema and harass a company of girls they meet there. One of the girls is subsequently portrayed as being drawn towards Dale, thus reenacting the familiar scenario of the conforming female character who becomes attracted to the irrepressibly deviant hero[689].

Finally, a disturbing account of the excitement that is to be found in criminal behaviour is provided by *River's Edge*. John recounts that, while strangling his girlfriend, he felt "*so real, so alive*", as if he possessed "*total control*".

From the above, it becomes clear that, in many of the films where the offenders' criminality is linked to the deficiencies of their familial environment[690], the behaviour of these characters is at the same time depicted in positive terms. It should be recollected that a similar paradox was encountered in the examination of the films produced during the 1950s[691]. Indeed, compared to the 1950s films, the weight of emphasis is even more strongly placed on the positive qualities of delinquent and criminal behaviour. The elaboration of the 1980s films on the offenders' family backgrounds is usually restricted to a single scene or a brief allusion.

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[688] See Ch. III, **b.), i.)**.

[689] This scenario is also encountered in *The Breakfast Club*, where the prim high school beauty ultimately becomes attached to the "*criminal*" member of the detention class; also in *Heathers*, where Veronica initially falls for the rebellious hero. See below, and the chapter on gender.

[690] See, for example, *The Falcon and The Snowman*, *The Breakfast Club, Heathers*, *Wish You Were Here*, and *The Outsiders*.

[691] See above, Ch. I, **c.)**.

Finally, a series of 1980s films that concern themselves with the exploits of "*larger than life*" characters, have to be included in this discussion. Like their counterparts in the films of the 1970s[692], these characters are marked by their deeply anti-conformist stance. This is celebrated within the films themselves, even when it is shown as leading to a tragic end. The portrayal of these characters unites the twin themes of disrespect towards authority and excitement discussed above. The "*larger than life*" characters commit criminal offences, partly because they refuse – or cannot be bothered- to abide by societal rules. It is revealing that they do not break rules of a legal nature only; they generally decline to conform to many of the normative demands of social etiquette. Additionally, they are depicted as *revelling* in the thrill offered by the risk and challenge of unconventional behaviour.

Betty Blue[693] and *Something Wild*[694] are two classic examples of this approach. *Betty Blue* deals with an unsuccessful writer's passionate love affair with the eponymous heroine. Betty's (Beatrice Dalle) behaviour is from the outset depicted as extreme and unpredictable; however, this serves only to intensify the writer's passion and admiration for her. For example, the writer, who works as a bungalow caretaker, is ready to comply with the bungalow owner's unreasonable demands in relation to the painting of his properties. Betty, instead, opts to verbally abuse the repulsive owner and set fire to the shack the pair resides in. Subsequently, while employed as a waitress, she attacks a nagging customer with a fork; and, in a different scene, forces a publisher to eat the rejection letter he dared send her lover.

After Betty suffers a miscarriage, she becomes dangerously self-destructive and is admitted into a psychiatric hospital. Again, following *Heathers*, the line between expressive, uncompromising behaviour and serious psychological disturbance is demonstrated as being extremely thin[695]. The writer kills Betty, not bearing to see his beloved companion in the

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[692] See Ch. III, **b.), i.)**.
[693] *(1986, Fr, J.J.Beineix)*
[694] *(1986, U.S., J.Demme)*
[695] Another example of this can be found in *Sid and Nancy (A.Cox, U.S., 1986)*. See below.

vegetative state she has entered since undergoing a lobotomy[696]. In his final monologue, he refers to her with admiration as a "*wild horse*".

In *Something Wild*, Lulu (Melanie Griffith) kidnaps a reserved businessman, after seeing him walk out of a diner without paying the bill. "*You're a closet rebel*", she announces to him and takes him on a whirlwind trip to her family home. She intends to present him as her husband in her high school reunion. During the trip, Lulu forces the businessman to storm out from yet another restaurant without paying. He also watches on helplessly as she steals the contents of a liquor store till. "*I cannot afford to get mixed up. I've got responsibilities*", he protests; yet he clearly enjoys his break from routine. Like the writer in *Betty Blue*, his whole attitude towards life is transformed through his encounter with the unconventional heroine and he too falls in love with her. It is observed that a gender reversal of the familiar scenario, where the leading female character becomes attracted to the anti-conformist hero, has taken place in the 1980s films.

Finally, *Breathless*[697] is a remake of *A Bout De Souffle*, a film already examined in this study[698]. In both films, the hero, a habitual car thief, murders a policeman who stops him on the side of the road[699]. "*I'm not afraid of life or anything else*", the hero of *Breathless* declares at one point[700]. He rescues his girlfriend, an architecture student, from an uncomfortable oral exam session, through storming into the lecture room, pretending that he is a repair worker and ridiculing her tutor. His pursuit by the police does not seem to deprive him of his abundant energy; in fact, it vests each of the tender moments he spends with his girlfriend with added urgency and preciousness. He initially convinces her to run away with him to Mexico. While in the getaway car, he inquires: "*You're scared*?" "*Yeah*", she responds. "*But you like it?*" he asks again. "*Yeah*", the girlfriend confirms.

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[696] Again displaying a lack of faith in psychiatric remedies: see also above, Ch.IV, **a.)**, **b.)**.

[697] *(1983, U.S., J.McBride)*

[698] See above Ch. I, fn.137.

[699] The difference being that in *Breathless*, this murder is shown as occurring nearly by accident; the hero's revolver almost shoots on its own; in the original, by comparison, the identical offence is perpetrated in cold blood. Perhaps this is accounted by the fact that, whereas *A Bout De Souffle* was an innovative, left-of-centre film, its remake was clearly designed for a mass audience.

[700] His girlfriend repeats this statement later, when the couple narrowly escapes from the pursuing police.

However, she ultimately betrays him to the police. In the final scene of the film, the protagonist is presented with a choice between certain death and the long custodial sentence he is sure to be facing. He inevitably opts for the former, after a passionate rendition of the title song, originally performed by his favourite rock and roll singer, Jerry Lee Lewis. It is revealing of the degree to which the audience is expected to have empathised with this character that the filmmakers shun away from depicting his actual death. As in *Butch Cassidy and The Sundance Kid*, the film ends with a freeze frame of the hero, just as he is about to be shot down by the police.

Subway[701] can also be included within this category of films, as the various offences the mysterious protagonist commits are yet again interpreted as an expression of his overabundant *joie-de-vivre*. The narrative of this film is primarily concerned with the protagonist's blackmail of a rich couple. Quite predictably, the aristocratic wife becomes romantically entangled with the criminal; yet again, a "*larger-than-life*" character is presented as sexually irresistible. In this film as well, the offender is ultimately killed by the police. *Sid and Nancy* is a biography of Sid Vicious (Gary Oldman), the bassist of the Sex Pistols and his longtime girlfriend Nancy Spungen (Chloe Webb). Sid engages in a variety of criminal acts. In an early scene, he destroys a stranger's car, for no particular reason; he also savagely assaults a well-known music journalist. After Nancy introduces him to the use of heroin, Sid's behaviour becomes wildly unpredictable. Under the influence of drugs, he kills his girlfriend; soon afterwards, he too dies from an overdose.

It would not, however, be an exaggeration to assert that this film celebrates Sid's behaviour. He is represented as a veritable force of nature, uninhibitedly acting as he chooses, without regard to the consequences. On the stage with the Sex Pistols, Sid takes to mutilating himself, again with no apparent reason. This, however, only seems to contribute to his legendary status.

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[701] *(1985, Fr., L.Besson)*

As far back as the 1950s, and possibly beyond[702], it is possible to detect seeds of this eagerness to romanticise the exciting, uninhibited qualities of sociopathic behaviour. Judging by the unreservedly glamorising depiction of these characters in the films of the 1980s, it can be safely concluded that these seeds have now been allowed to blossom[703]. Evidently, these cinematic representations conflict with real-life public concern over rising violent crime during this period[704].

Finally, it is perceived that in all of these films, with the exception of *Something Wild,* the "*larger than life*" characters face a tragic ending. It would be wrong to interpret this, however, as a form of punishment, within the narrative, for their crimes. If anything, the death of these characters serves to further glorify them, by depicting them as refusing to compromise with conformity to the very end. The eventual confrontation with the agents of mainstream society–usually the police or the psychiatrists- is thus gradually rendered inevitable. Through the tragic endings of these characters, however, the audience is also warned that the full expression of individual desires is unsustainable within the framework of established society for anything but a limited period of time. It is here that the 1980s films identify limitations to the individualist ethos of the era.

d.) Race and the Underclass

The successive Thatcher governments in Britain, and the two Reagan administrations in the United States, were pointedly unreceptive to the political demands of racial minorities. Ronald Reagan viewed unfavourably the practice of affirmative action[705]; a series of Supreme Court decisions substantially restricted the scope of existing legislation on racial

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[702] As was detailed in Ch. II, **b.)**, Matza, writing in the 1960s, had already identified the idealisation of "subterrenean values" in mainstream culture and, particularly, the mass media.

[703] Note, for instance, that, quite apart from the thin line between an expressive stance and sheer madness, already dealt with, the filmmakers refrain from explaining the actions of these characters in terms of pathology. In fact, as far as one can see, these characters are near perfect; the few negative attributes they are shown as possessing are depicted as a consequence of their stormy temperament, that is so widely celebrated in these films.

[704] See also section **b.)**.

[705] Schwartz, H. *Civil Rights and the Reagan Court* in Mills, *op.cit.*, pp.132-3.

discrimination[706]. Jesse Jackson, the most prominent African-American figure in the Democratic Party lamented that, during the 1980s, "*racism had become fashionable again*"[707]. In Britain, Mrs Thatcher refused to strengthen the 1976 Race Relations Act or adopt a more punitive stance against discrimination[708]. Furthermore, the Conservative government introduced the 1981 British Nationality Act, which imposed yet further restrictions on immigration[709]. Thereafter, immigration rates seriously dropped and the subject ceased to attract attention as a major political issue[710].

In the United States, as well as in Britain, politicians, sociologists and journalists grew increasingly preoccupied with the plight of the inner cities, and, specifically, the growth of the "*underclass*". Theories about the "underclass" became especially popular during the 1980s. The New Right governments sympathised with the much-publicised views of radical liberal Charles Murray. Continuing with a line of argument first developed in the 1970s, Murray claimed that a specific stratum in society, characterised by chronic welfare dependence and its involvement in petty crime, could be identified[711]. Citizens belonging to this stratum were differentiated from other members of society, not only by the extent of their poverty, but also by the different codes of conduct they had developed[712]. According to Murray, the genesis and cultivation of these deviant values could be interpreted as a rational reaction to the unintended incentives provided by welfare policies to those remaining poor. In *Losing Ground*, he put forward proposals for a radical abolition of the entire United States federal welfare system[713].

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[706] The constitution of the Supreme Court was itself influenced by a number of conservative appointments made by Reagan. Schiller, *op.cit.*, pp.79-80. Judicial hostility to affirmative action measures is evidenced in a series of Supreme Court decisions during this period: see *Richmond v. J.Croson and Co.* 488 U.S. 469 (1989); *Ward's Cove Packing Co v. Atonio* 490 U.S. 642 (1989); *Patterson v. McLean Credit Union* 491 U.S. 164 (1989).

[707] Marable, *op.cit.*, p.195.

[708] Policies against racial discrimination were pushed forward during this era by radical local authorities such as the Greater London Council: see Solomos, *op.cit.*, pp.87-113.

[709] The 1981 British Nationality Act divided the existing category of Citizen of the United Kingdom and the Commonwealth in three new categories: British Citizens, British Dependent Territory Citizens and British Overseas Citizens. The creation of the latter category in effect served to exclude United Kingdom citizens of mostly Asian ethnicity from the right to abode: Solomos, *op.cit.*, pp.70-2.

[710] Shaggar, *op.cit.*, pp.128-9.

[711] Murray, C. *Losing Ground* New York: Basic Books 1984.

[712] Walker disputed the existence of a varied culture among members of the underclass: cf. Walker, A. *Blaming the Victims* London: The IEA Health and Welfare Unit 1990, pp.49-58.

[713] Murray, *op.cit.*

Murray particularly linked the existence of the underclass to the growing rates of illegitimacy in disadvantaged neighbourhoods. He attributed these to the ostensibly benevolent welfare provisions for single mothers. The counterproductive effect of the latter was threefold. They unwittingly operated as a financial incentive for poor women to give birth while unmarried. They had also removed the necessary, in Murray's view, social stigma from illegitimacy, and by ensuring that children born outside marriage could exist on state support, they had encouraged fathers to decline financial responsibility for their offspring[714].

A different thesis on the underclass was put forward by William James Wilson. Wilson claimed that its creation could be attributed to structural changes in the economy, that had occurred since the late 1960s, and which had aggravated the position of employees in the manufacturing, heavy-industry businesses. African-Americans, traditionally employed in this sector of the economy, also bore the accumulated burden of a long history of racial discrimination. Affirmative action programs, that had almost exclusively benefited the African-American middle-class, had unwittingly exacerbated the isolation of the lower-class ghetto residents, by facilitating the formers' migration from disadvantaged neighbourhoods. Together with the upwardly mobile African-Americans, middle-class institutions, such as the church, also fled the ghetto, thus depriving youths in disadvantaged neighbourhoods from successful role models and useful employment contacts. Demand for lower-skilled labour had diminished, due both to the increasing entry of women in the labour force and globalising economic trends that had transferred the manufacturing base of developed countries to Third World nations. As a result of all of the above, young residents of the ghetto found themselves in a state of permanent unemployment, were not socialised in the world of work, and frequently resorted to crime and drug addiction[715].

Young, poor African and Hispanic Americans frequently joined the ubiquitous criminal gangs in their neighbourhoods. Delinquent and criminal ghetto gangs attracted during the 1980s increasing media attention. They

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[714] Morrison, *op.cit.*, pp. 419-25. Similar ideas were advanced by Wilson and Herrnstein, *op.cit.*

[715] Wilson, W.J., *op.cit.*, pp.5-163.

were perceived as having grown more violent, partly because they enjoyed access to automated weaponry. Most importantly, they were now at the heart of drug distribution in their territory. Gang members were frequently dealing in "crack", a cheap, highly addictive variant of cocaine, which also awakened violent tendencies in its consumer. Addiction to crack in the urban ghettos of the United States reached epidemic proportions during the 1980s[716]. Initially, middle-class citizens were titillated by narratives about the excessively aggressive behaviour of gang members, but they grew increasingly alarmed as gang violence spilled over to more privileged neighbourhoods. Police super-operations designed to combat gang violence, such as Operation HAMMER by the Los Angeles Police Department, were introduced. It is indicative of the mayhem caused by criminal gangs in the urban ghettos, that many African-American political leaders welcomed these operations, which frequently prejudiced the civil rights of racial minority youth, regarding them as a lesser evil compared to the unhindered proliferation of the gangs[717].

Murray claimed that he could detect a small, but growing underclass in Britain. He acknowledged, however, that in Britain, racial minorities contributed an insignificant proportion of the underclass[718]. Attention to the urban inner cities, with their large share of racial minority members, had already been focussed in Britain since the riots that erupted in Brixton, Toxteth and Southhall during 1981[719]. These riots were typically triggered by incidents in which inner city residents perceived police intervention as being unjustifiably violent[720]. The Thatcher government responded to the riots in two ways. Initially, it declared its unequivocal support for the police, in order to put a short-term end to the riots. Secondly, it appointed a judicial inquiry

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[716] Bowling, B. *The Rise and Fall of New York Murder: Zero Tolerance or Crack's Decline* Brit. J. Criminol. 1999 Vol.39 No.4 531.

[717] Davis, M. *City of Quartz: Excavating? The Future in Los Angeles* New York: Vintage Books 1992, pp.268-83.

[718] Murray, C. *Underclass* in *The Emerging British Underclass* London: The IEA Health and Welfare Unit 1990, pp.1-35. Labour MP Frank Field countered Murray's thesis, by proposing that the existence of a British underclass could be attributed to the policies of the Thatcher government that had exacerbated the dire financial circumstances of pensioners, single mothers and the long-term unemployed: cf. Field, F. *Britain's Underclass: Countering the Growth, ibid.*, pp.37-41.

[719] In Brixton, between the 9th and the 13th of April, 76 shops and homes were seriously damaged, 143 policemen were hospitalised and 199 rioters were arrested: Marwick, *op.cit.*, p.273. A sizeable number of whites also took part in these riots: Gilroy, P., *op.cit.*, pp.112-3; Rex, J. *The Ghetto and the Underclass* Aldershot: Avebury 1986, p.108.

headed by Lord Scarman to investigate the causes of these disturbances[721]. The Scarman Report pointed the finger at the economic and social disadvantages suffered by black youth in the inner cities, at the pathological character of many black families and, finally, at the breakdown of communication and trust between the police and young residents of inner city communities[722]. A second series of riots, in Handsworth, Brixton, Toxteth and Tottenham during 1985 did not alert the Conservative government that it had failed to address the issues raised by the Scarman report: instead, the second series of riots was somewhat arbitrarily dismissed as the actions of a criminal minority[723].

The increased visibility of members of racial minorities, in relation to the commission of criminal offences, already observed in the films produced during the 1970s[724], continues into the 1980s. For the first time in this study, however, films are encountered that focus nearly exclusively on the young, African-American residents of disadvantaged neighbourhoods[725].

Colors[726] is one of the first attempts by the Hollywood industry to tackle the issue of intra-racial gang violence. A series of confrontations between four Los Angeles gangs, composed exclusively of young African and Hispanic Americans, are depicted through the eyes of the two white policemen who are employed in one of the LAPD super-operations. The gang members' access to automated weaponry, their willingness to resort to murder as a means of resolving their differences, the control they have seized over drug distribution in their territory, as well as their own addiction to hard drugs, are all documented. Older local residents are outraged by the

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[720] *Ibid.*, pp.106-19;
[721] Shaggar, *op.cit.*, pp.128-9.
[722] Report of an Enquiry by Lord Scarman, *The Brixton Disorders 10-12 April 1981* London: H.M.S.O. 1981, Cmnd: 8427. While researchers concurred that there was no evidence of direct, systematic bias on racial lines in Crown Court sentencing, it was considered possible that, at the selection stage of the criminal justice process, the police discriminated against minority offenders. cf. McConville, M. and Baldwin, J. *The Influence of Race on Sentencing in England* [1982] Crim. L. R. 652; Crow, I. and Cove, J. *Ethnic Minorities and the Courts* [1984] Crim. L. R. 413; Landau, S.F. *Juveniles and the Police* [1981] 21 B. J. Crim. 27.
[723] Solomos, *op.cit.*, p.196
[724] See above, chapter IV.
[725] Films dealing with the British underclass are not encountered till the 1990s: see below, Ch.V, **d.)**.
[726] *(1988, U.S., D.Hopper)*

proliferation of gang violence and urge the police to intervene more decisively.

In *Colors*, the motivation of young ghetto dwellers to become members of a gang and adhere to its violent codes is explained by reference to the socialisation of young children in an environment in which the values adopted by gang members have prevailed. The film particularly dwells upon the exposure of prepubescent children raised in these neighbourhoods to the operation of the gangs. One of the older residents, a former gang member himself, argues that children view a rich drug dealer, at the top of the gang hierarchy, as the only viable role model.

Nonetheless, it is stressed in the film that a highly punitive approach towards the criminal behaviour of gang members is likely to prove counterproductive. Conceding the impossibility of controlling the large number of illegal acts that take place in underprivileged neighbourhoods, Hodges (Robert Duvall), the older of the two policemen, prefers to acquaint and ingratiate himself with gang members, rather than arrest them for minor infractions. He can thereby rely on their cooperation, when a serious crime, such as murder, takes place. By the end of the film, McGavin (Sean Penn), his younger colleague, who initially subscribed to a punitive outlook, acknowledges the merits of Hodges' patriarchal stance and adopts it himself.

Do The Right Thing[727] focuses on the African-American ghetto community in Bedford-Stuyvesant, New York. The film details the events leading up to a summer riot outside a white-owned pizza restaurant. It is noted that, apart from the vandalism that takes place in the riot, local residents do not commit any other criminal acts in the film. Crime is not portrayed as being an integral part of social life in this ghetto neighbourhood[728]; however, other social phenomena, characteristic of the underclass, are conspicuously present[729]. These include the unemployment of

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[727] *(1989, U.S., S. Lee)*

[728] *Do The Right Thing* is unique in this respect: the remainder of the films produced during the 1980s and the 1990s, that focus on underprivileged neighbourhoods, portray crime as being a very dominant part of social life: see below, Ch. V, **d.)**.

[729] On the other hand, the ghetto community is portrayed as being in some ways as being tight-knit, in a manner that has long become obsolete for more sophisticated neighbourhoods. Local residents, young and old, know each other by name; in a specific scene, the Italian-American restaurant owner muses on how a whole generation of neighbourhood children was raised on his pizzas. Ghetto communities continued to be

both young and old, illegitimacy[730], and above all, racial hostility. The latter surfaces in the interactions between the local African-American residents, the Korean immigrant who owns the local grocery store, the white policemen patrolling the neighbourhood and the Italian-American family that operates the pizza restaurant. It is intimated that this hostility can be partially attributed to the African-Americans' resentment at their economic marginalisation. In a revealing scene, a group of idle, older ghetto residents wonder aloud how the immigrant Korean store owner has managed to establish a successful business venture, in the middle of an African-American-dominated neighbourhood, only a year after his arrival in the United States. The protagonist's sister delivers the didactic message of the film, when she exhorts her brother to "*do the right thing*" and try to create something out of his life, in spite of his disadvantaged social position.

At the same time, the hostility the local residents exhibit towards the police is also seen as partially justified. The police are depicted as resorting unnecessarily to excessive violence, and while aiming to quell the initial disturbance in the pizza restaurant, they accidentally strangle one of Mookie's friends. This triggers the aforementioned riot, in which Mookie, a former employee of the restaurant, also participates. It is indicated within the film that Mookie's actions can be viewed as a defensible reaction to the brutality of the police. The film ends with two written statements, one by Martin Luther King, arguing that violence, being destructive of the community, is self-defeating; and another by Malcolm X, who counters that, in the racist climate of the United States, "*violence*" on the part of African-Americans can be legitimately construed as "*self-defence*".

e.) Gender

In spite of her being the first woman to become the British Prime Minister, Mrs Thatcher was notoriously unsympathetic to feminist views and demands[731]. New Right philosophy, on both sides of the Atlantic, laid emphasis on the duty of women to remain within the domestic sphere and

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presented as enviably tight-knit in the films of the 1990s, even if they were at the same time devastated by gang violence: see below, Ch. V, **d.)**.

[730] Mookie (Spike Lee), the protagonist, is the father of an illegitimate child.

devote themselves primarily to the upbringing of their children[732]. This fits in, after all, with the revived anxiety over the perceived association between problematic familial environments -in particular, the lack of consistent monitoring of child behaviour- and juvenile delinquency that was detailed above[733]. The related demonisation of women who chose to rear children outside marriage has already been noted in the writings of conservative underclass theorists[734]. At the other end of the political spectrum, Betty Friedan warned that feminists should seek to incorporate family issues in their campaigns, in order to avoid surrendering this powerful agenda to their opponents[735].

In criminology, feminist writers still lamented the fact that women appeared mostly as an afterthought to established criminological theories[736]. This was in spite of the growth of literature on female crime since the late 1970s[737], and the credit given by male left realist theorists to feminist victimology for alerting them to the pain and fear caused by crime[738]. The male criminologists' tendency to resort to stereotypical views of female behaviour in order to account for the actions of deviant women was also denounced. Heidensohn, in particular, pointed out how the sexualisation of female deviance, encountered since the 1950s in this thesis, could be explained by reference to the powerful "*Lady Macbeth*", "*witch/whore*" stereotype of female conduct that still permeated popular discourse[739]. She piercingly noted how female crime was never rationalised, as in the case of men, in terms of natural over-exuberance[740]. This was in spite of the fact that Carlen, in her biographies on criminal women, had demonstrated that fun and

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[731] Rowbotham, *op.cit.*, p.472.

[732] Schiller, *op.cit.*, pp.92-5. By way of example, the Institute of Cultural Conservatism openly stated in 1987 that it was the duty of mothers to remain in the domestic sphere and raise their children: Morrison, *op.cit.*, p.424.

[733] See above, Ch.IV, **b.)**.

[734] See above, Ch.IV, **d.)**.

[735] Boyer *et al.*, *op.cit.*, p.705.

[736] Leonard, E.B. *Women, Crime and Society New York*: Longman 1987, pp.181-2. Gelsthorpe and Morris pointed out that it was a major weakness of most criminological theories that they did not apply to more than half of the global population: Gelsthorpe, L. and Morris, A, *Feminism and Criminology in Britain* in Rock, op.cit. (1988), pp.99-110.

[737] Smith, J.J.F. *Images of Women- Decision-Making in the Courts* in Morris, A, and Wilkinson, L. (eds.) *Women and the Penal System* Cambridge: Cropwood Conference Series No.19 1988.

[738] See, for example, Young in Maguire *et al.*, *op.cit.*, pp.473-4.

[739] Heidensohn, *op.cit.*, pp.90-9.

excitement were powerful motivating factors in their adoption of deviant behaviour[741].

In the previous chapter[742], it was examined how, during the 1970s, the increasing rates of female criminality were linked to feminist advances in society and legislation. To a degree, it was expected by these theories that, as Western societies moved towards complete gender equality, the criminal rates of women would converge with those of men. Such arguments, however, were repeatedly countered during the 1980s. In the first place, it was shown that the statistical increase in female offending appeared as more dramatic than the reality it represented, due largely to the relatively small population from which the statistical measurements were taken[743]. Secondly, it was pointed out that changing perceptions on the part of law enforcement personnel and the wider public had led to an amplification of female deviance[744]. Feminist writers particularly reported that offending women were likely to receive unaccountably severe sentences when their behaviour went against male-created stereotypes about proper feminine behaviour[745]. Last but not least, it was claimed that any increase in offending behaviour

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[740] *Ibid.*

[741] Carlen, P. *Deviant Women* Oxford: Polity Press 1985.

[742] See above, Ch. III, **e.)**.

[743] Heidensohn, *op.cit.*, p.159.

[744] Morris, A. and Gelsthorpe, L. *False Clues and Female Crime* in Morris and Gelsthorpe (eds.*) Women and Crime* Cambridge: Cropwood Conference Series No.13 1981, pp.45-70.

[745] Heidensohn, *op.cit.*, pp.41-7. Carlen found that imprisonment was more easily justified as a sentence on women who were perceived as having failed in motherhood; Carlen, *op.cit.*. Nagel discovered that divorced and separated women were, as a rule, sentenced more harshly than their married counterparts in the United States; Nagel, I. *Sex Differences in the Processing of Criminal Defendants* in Morris and Gelsthorpe, *op.cit.* Eaton pointed out that young females were more likely to be institutionalised, if they were perceived as ungovernable and unmanageable; Eaton, M. *Justice for Women? Family, Court and Social Control* Milton Keynes: Open University Press 1986. cf. Morris, A. *Sex and Sentencing* [1988] Crim. L. R. 163. Inadvertently addressing a similar issue, the English Court of Appeal during the 1980s alertly struck down disparities in sentencing decisions that were rationalised in terms of sex. See, for example, *Okaya and Nwaobi* [1984] Cr. App. R. (S.) 253, where a female defendant was equally involved in the commission of the offence of possessing a controlled drug with intent to supply as her two male co-defendants. However, she received a sentence of two years' imprisonment; while her co-defendants were sentenced to five years' imprisonment. The trial judge justified the lenient treatment of the female defendant solely on the grounds of her sex. The Court of Appeal held that drawing such a distinction was "*wholly wrong*": see also *R. v Ouless and Ouless* [1986] 8 Cr. App. R. (S.) 124. See also *R. v Hancock* [1986] 8 Cr. App. R. (S.). 159, where the Court disagreed with the trial judge's unsubstantiated characterisation of the female defendant as in need of psychiatric treatment. It held that the defendant, a 21-year old woman convicted of indecent assault on a 3-year old child, be sentenced to 12 months' youth custody instead.

should rather be attributed to the growing economic marginalisation of women[746].

Gradually abandoning the "convergence" thesis, feminist criminologists set instead upon the task of investigating why the participation of women in criminal activity remained disproportionately infrequent. Two major theses were put forward. Heidensohn claimed that the low rates of female criminality should be received as testament to the still operative constraints of patriarchy, which had not been removed by the legislative and social advances of women. She noted that women were constantly instructed on how to behave and reminded that the "*price of deviance was too high*" for them: apart from formal sanctions, they would be punished, in case of transgression, by ill-repute[747]. Additionally, the rare involvement of women in crime could also be explained by the fact that, in patriarchal society, men controlled both the legitimate and illegitimate means of force[748].

Gilligan explained the reluctance of women to be involved in illegal behaviour on a different basis. She claimed that female identity, in general, was biologically defined in the context of responsible, caring relationships with others. Women were consistently reminded of their "*connectedness*" with other human beings, through the biological processes of pregnancy, sexual penetration, menstruation and breast-feeding. Through these women learned to reason in an ethic of care and responsibility, which was *inter alia* manifested in their avoidance of criminal acts[749].

The trend detected in the films produced during the 1970s persists in this decade. Whereas researchers into female crime are beginning to dismiss arguments on the convergence between male and female offending behaviour, the films released during the 1980s appear to espouse it. In the first place, although the representations of criminal women are still relatively rare, they have become substantially more frequent compared to the 1970s.

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[746] Box, S. and Hale, C. *Liberation and Female Criminality in England and Wales* B.J.Crim 23 (7) Jan 1983 35.
[747] Heidensohn, *op.cit.*, pp.106-9.
[748] *Ibid.*, pp.181-91.
[749] Men, on the other hand, developed a different ethic, based on rationality and independence. Morrison, *op.cit.*, pp.414-6.

Secondly, it is observed that the films released during the 1980s refuse to differentiate between men and women in their depiction of criminal behaviour. For the first time in this thesis, two of the "*larger than life*" offending characters, whose criminal actions are rationalised as an expression of their exuberant and charismatic individualism[750], are female: Betty Blue in the eponymous film and Lulu (Melanie Griffith) in *Something Wild*. As noted above, in a gender reversal of the frequently encountered scenario, these deviant characters attract the passionate romantic interest of an -at least initially- conforming member of the opposite sex[751].

Women are frequently portrayed in the 1980s films as being equally or even more committed to a criminal way of life than their male accomplices. In *Drugstore Cowboy*, Diane (Kelly Lynch) refuses to make an effort to shake off her drug addiction along with her husband Dale. She joins a different robbing gang, when he enters a rehabilitation program. In *Risky Business*, as noted above[752], it is the young prostitute who devises the illegal venture; she then persuades high-school student Joel (Tom Cruise) to co-operate. It is also worth noting, that in none of the cases of the offending women above, are these characters, as were some of their counterparts in the 1970s, guided by concerns that have been traditionally viewed as feminine. Their motivations, such as financial profit or the pleasures of drug consumption, are virtually indistinguishable from those of male cinematic offenders.

Finally, as in their 1970s counterparts, in the films released during this decade, even *law-abiding* female characters increasingly assume roles that were previously the exclusive reserve of their male counterparts. Thus in *Police Academy* and *Police Academy 2: Their First Assignment*[753], a

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[750] See above, Ch.IV, **c.) ii.)**.

[751] It is observed that both of these characters are portrayed as possessing an accentuated sexuality. Could it be the case that they are yet another expression of the "*witch/whore*" stereotype exposed by Heidensohn? It is noted that "*larger than life*" characters of the *male* sex, such as Lightfoot in *Thunderbolt and Lightfoot* or the protagonist of *Breathless*, are equally depicted as living a particularly energetic sexual life. The latter is thus best construed as another symptom of the overly extrovert behaviour of this kind of characters, regardless of their gender.

[752] See Ch.IV, **a.)**.

[753] *(1985, U.S., J.Paris)*

substantial number of women is depicted as penetrating the police ranks as cadets, academy instructors and detectives.

f.) Conclusion

The fragmentation of Western society and culture, observed in the films produced during the 1970s, naturally led to the *atomistic* perspective that pervades the films of this decade. Society is now fragmented to its smaller individual components: the individual citizen and the individual family. The causes of criminal behaviour are accordingly to be found in personal choice; criminal justice policy should seek to affect this choice through deterrence. Alternatively, the causes of criminal behaviour can be located within malfunctions in the familial environment, which are best solved, however, without interference from the larger society. The motivation to commit a crime is again provided by individual, even egotistic reasons: the desire to advance oneself financially, to partake in exciting experiences, to adhere to one's personal values. Within this climate, even extreme poverty, and lack of future prospects, is frequently attributed to personal inadequacies, exacerbated by counterproductive state interference. In the next chapter, it shall be seen how this extreme atomisation of social concerns will gradually lead to a severe *estrangement* between members of Western societies in the 1990s.

Chapter V: 1991-1997

The discussion of this period will begin with the familiar issue of the association between family environment and criminal behaviour. In many films released during this period, a character's criminal activity is related to his incorrect upbringing; particularly frequent, during this period, are cinematic representations of offenders raised in severely disturbed domestic environments. Criminologists and policymakers also emphasised the link between deviance and dysfunctional families. The tendency to seek the involvement of parents in the criminal process directed against their offspring, already detected during the 1980s, persists in this period (section **a.)**).

The growing influence of the post-modernist perspective on social affairs is also a notable feature of this period. Post-modernist sociological thinking cast doubt on the *modernist* belief that, through the application of rational thought, endeavour and expanding knowledge, man is able to create an improved, near-perfect society. It challenged, therefore, the contentions that manmade political ideologies could guide society to a better future; it also offered the view that citizens of contemporary societies are characterised by a morally relativist attitude. In agreement with these contentions, the films released during this period dispute the credibility of established political theories, as well as the effectiveness of democratic political action in general (section **b.), i.)**). They also often portray criminal activity as a natural consequence of the offender's lack of normative inhibitions (section **b.), ii.)**).

This lack of faith in the existence of internalised inhibitions against crime is associated with the proliferation of highly retributive -and frequently incapacitating- "law-and-order" criminal justice policies pursued by governments in both the United Kingdom and the United States during the 1990s. The assumptions underlying these policies bear similarities to those that underpin the portrayal of criminal offenders as highly disturbed and dangerous creatures in many films of this era (section **c.)**).

The continued expansion of the underclass increasingly occupies sociologists and policymakers during this period, in both Britain and the United States. Again this is mirrored in the sizeable number of films released during the 1990s that focus on the violent culture in these disadvantaged segments of society (section **d.)**). The realisation that men are still responsible for the substantial majority of criminal offences committed in Western societies, in spite of advances in the sphere of gender equality, led to the development of "masculinity" theories. Criminologists began to investigate a possible linkage between criminal activity and certain problematic aspects of masculine behaviour. At the same time, the films again decline to draw sharp distinctions between male and female criminal behaviour; particularly notable during this period is the frequent depiction of highly serious, violent female offenders. Beneath this assimilating veneer, however, certain stereotypical views of femininity resurface in these films.

a.) Family and Crime

During the period under examination, a swing in the electorate's favour towards politicians that synthesised the central tenets of New Right economic ideology with an ostensibly more compassionate, less atomistic perspective on social dilemmas is perceived. In Britain, John Major succeeded Margaret Thatcher as the Prime Minister in November 1990, after the latter was asked to step down by leading members of the Conservative Party. John Major initially expressed his desire to preside over a society "*at ease with itself*", yet any expectations of a more conciliatory approach towards governing were quickly dashed, as, at least on the economic front, he largely persisted with the policies of his predecessor[754]. Nineteen years of Conservative rule terminated in the 1997 General Elections: following a landslide victory, the Labour Party, under the leadership of Tony Blair, seized office. In the United States, George Bush's failure to be re-elected as President in 1992 has been primarily attributed to the eruption of the Los Angeles riots during the same year[755]. Bush's successor was the Democrat Bill Clinton, who remained in

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[754] Marwick, *op.cit.*,p.395. The criminal justice policies of the Major governments will be examined below, Ch.V, **c.)**.
[755] See below, Ch.V, **d.)**.

office until the end of the decade. Both Clinton and Blair subscribed to a largely similar set of ideals and policies: these shall also be examined subsequently[756].

For present purposes, suffice it to state that their outlook on the family was less individualist than that of Margaret Thatcher and Ronald Reagan, which had dominated in the previous decade. Both of the later politicians were equally wary, however, of advocating large-scale state assistance and interference, being well aware that expansive welfare policies, and the tax increases these entailed, were anathema to the middle-class voters upon whom they depended. On the issue of the family, as in many other matters, Blair visibly tried to merge the socialist tradition of his party with the individualist perspective that had grown so predominant over the last decade. He claimed that an artificial line between individual families and society should not be drawn; both were interdependent. The responsibility for a well-functioning domestic environment lay primarily with the families themselves. In this task, however, parents should be decisively aided by the government and the larger community[757]. Blair also acknowledged that women should be able to strike a balance between employment and the nurturing of their children and proposed that the government would, through the provision of retraining programmes, child care and nursery education, assist towards this end[758].

In the 1990s, criminologists still claimed an undoubted association between parental abuse and neglect and youth crime[759]. On the other hand, it was argued that the obsession with family structure, particularly manifested in writings on the underclass, could be misleading: a discordant atmosphere

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[756] See below Ch.V, **c.)**.

[757] Blair, T. *New Britain: My Vision of a Young Country* London: Fourth Estate 1996, pp.245-51; Home Office, *No More Excuses- A New Approach to Tackling Youth Crime in England and Wales* London: Home Office Cm.3809, November 1997, p.9. Blair's views on the interdependence of individual families and the local community echo the arguments made by Amitai Etzioni: cf. Etzioni, A. *The Spirit of the Community* New York: Crown Publishers 1993. Etzioni claimed that the level of crime was directly influenced by the strength of the "*total community fabric*". Crime rates were at the lowest in situations where families, schools and the local community worked together to support moral conduct. Etzioni's ideas were popular with politicians on both sides of the Atlantic during the 1990s; Young (1999), *op.cit.*, p.159.

[758] cf. Blair, *op.cit.*, pp.245-51.

within an intact home was likely to prove as damaging as the absence of a parent, if not more so[760]. Criminologists declined to view this association between malfunctions in the familial environment and juvenile crime in deterministic terms and stressed that the youth in question were to be considered accountable for their criminal behaviour, in spite of their domestic difficulties[761].

The increasing willingness on the part of legislators to hold parents criminally liable for the behaviour of their offspring, first noted in the examination of the 1980s[762], is again exhibited during this period. Section 57 of the Criminal Justice Act 1991 holds parents liable for the payment of fines and compensation orders imposed on their children; section 58 extended, as has been seen[763], the concept of bind-over. The 1997 White Paper "*No More Excuses- A New Approach to Tackling Youth Crime in England and Wales*" proposed that parents be made subject to a Parenting Order. Under the terms of the Order, a duty would be imposed on parents of convicted juvenile offenders to attend counselling and guidance sessions and to comply with any other requirement that the court set in the interests of preventing the commission of a further offence by their child[764]. Also notable during this period is the tendency to seek the involvement of parents in the criminal process directed against their offspring. The example commonly put forward is the institution of Family Group Conferences in New Zealand[765]. In Britain, a NACRO report encouraged the participation of parents in cautioning panel meetings and support programmes, as well as in the youth court[766]. The 1997 White Paper proposed that it should be made compulsory for parents of

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[759] Krisberg, B. and Austin, J.F. *Reinventing Juvenile Justice* Newbury Park: Sage Publications 1993; Utting, D. *Reducing Criminality Among Young People: a Sample of Relevant Programmes in the United Kingdom* London: Home Office 1996.

[760] Utting, D. *Family Factors and the Rise in Crime* in Coote, A. (ed.) *Families, Children and Crime* Institute for Public Policy Research 1994, pp.15-26.

[761] Krisberg and Austin, *op.cit.*, pp.182-3.

[762] See above, Ch. IV, **b.)**.

[763] See above, Ch. IV, **b.)**.

[764] Home Office (1997), *op.cit.*, p.9. The proposal was subsequently incorporated in the 1998 Crime and Disorder Act, s.8.

[765] Graham, J. and Bowling, B. *Young People and Crime* H.O.R.S. no.145 London: Home Office 1996, p.101. In England and Wales, a Family Group Conference scheme was piloted in 1995 by the Thames Valley Police in Aylesbury; it was widely regarded as a success: cf. Muncie, *op.cit.*, pp.262-3

[766] NACRO Young Offenders Committee, *Partnership with Parents in Dealing with Young Offenders* Policy Paper no.4, London: NACRO 1994, p.15.

offenders who were under 16 years of age to attend youth panel meetings[767]. The rationale behind these measures is the belief that the presence of the family in these proceedings is likely to induce a sense of action, shame and responsibility both in the parents and the youth concerned[768]. These policies as well are based on the expectation that a partnership between the individual family and the larger community –in this case, the criminal justice system- is likely to prove more effective in reducing crime among young people[769].

In the films produced during the 1990s, a connection is again established between a character's criminal or delinquent behaviour and his upbringing in an unsatisfactory home environment. As in the films of the 1980s, attention is commonly drawn to the pressures towards criminality generated by the dissolution of families. Depictions of cinematic offenders having been raised in broken homes include the three high school students who execute Suzanne Stone's (Nicole Kidman) plan to murder her husband in *To Die For*[770]. The adolescent brothers in *Small Faces*[771] who become embroiled in youth gang conflict in 1960s Glasgow, and the heroin-addicted teenage protagonist of *Basketball Diaries*[772] are also the subjects of broken homes. Moreover, the disturbed 19-year-old murderer in *Primal Fear*[773] and the two daredevil fraud offenders in *Shooting Fish*[774] are orphans.

As in the films produced during the 1980s, it is not intimated that an upbringing in a broken home directly causes the offender's involvement in criminal activity: the latter is still attributed to the offender's relatively unencumbered choice. This is the conclusion that can be drawn from *Basketball Diaries*. In the final scene of the film, the protagonist, writer Jim Carroll[775] (Leonardo Di Caprio), is depicted as having succeeded, through his own resolve and determination, in overcoming his heroin addiction. The

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[767] Home Office (1997), *op.cit.*, pp. 31-2. The White Paper also argued that the attendance of parents of offenders between 16 and 17 years of age should be encouraged.
[768] Graham and Bowling, *op.cit.*, p.101.
[769] See above, fn. 757.
[770] *(1995, U.S., G.Van Sant)*
[771] *(1995, U.K., G.McKinnon)*
[772] *(1995, U.S., S.Kalvert)*
[773] *(1996, U.S., G.Hoblit)*
[774] *(1997, U.K., S.Schwartz)*
[775] This film is based on real events.

supremacy of individual choice is also emphasised in *Boyz N The Hood*[776]. In this film, Tre (Cuba Gooding Jr.) is encouraged by his father to look beyond his underclass environment: "*You can do whatever you set your mind to*", his father insists[777].

Again, as in the 1980s films, the lack of close adult supervision, frequently one of the consequences of parental absence, is presented as a crucial contributing factor to the young offender's involvement in criminal behaviour. This is rendered most explicit in *Kids*[778]. In this film, the adolescent Telly (Leo Fitzpatrick) spends a sizeable proportion of his day on the streets, unsupervised by an adult[779]. Even within the confines of the family home, Telly's single mother is pictured as incapable of exercising any effective control over his behaviour: in a revealing instance, he steals money from her purse, whilst she is breast-feeding her baby[780]. In the film, many of Telly's peers are presented as being in a similar situation, forming a community of unsupervised adolescents, who involve themselves from a young age in a variety of criminal offences. Particularly notable is the depiction of a group of pubescent children, who appear to live completely on their own. Naturally, their apartment becomes the place where the teenagers congregate to consume copious amounts of drugs and participate in promiscuous sexual activity.

In other cases, the absence of stability, affection and a –usually- paternal role model, which often accompany a broken home environment, are presented as an additional handicap to the offender's emotional and social development, and thus a boost to the forces pushing towards his involvement in criminal activity. It needs to be stressed here that, in the overwhelming

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[776] *(1991, U.S., J.Singleton)*

[777] This film will be discussed in more detail in the examination of the issue of race and the underclass. See Ch.V, **d.)**. Also in *Sleepers (1996, U.S., B.Levinson)*. Shakes looks back with regret on the four friends' decision to harass a street vendor and threaten him with throwing his carriage down the subway stairs. It was "*as simple and as stupid [a thing] as we've ever done*". Against the four friends' plan, the carriage falls down the subway stairs, nearly killing a passer-by. The four boys are convicted for reckless endangerment. In the same film, prior to this incident, Father Bobby (Robert De Niro), the caring neighbourhood priest, repeatedly urges the four boys to "*do something with their life*", much in the manner of Tre's father in *Boyz N The Hood.*

[778] *(1995, U.S., L.Clark)*

[779]The film takes place over a 24-hour period in New York City.

majority of the cases discussed above, the offenders are already disadvantaged by factors associated with their low social status. The three juveniles in *To Die For* and Casper (Justin Pierce), Telly' s friend, in *Kids* are also weighed-down by an evident lack of intellectual capacity.

In spite of the aforementioned emphasis on the supremacy of individual choice, it is stressed that an upbringing in a broken home can prove the crucial variant in an individual's ability to resist, in the long term, the pressures towards criminality. This is subtly put forward in *Sleepers*. Convicted for reckless endangerment, the four boys are sentenced to a juvenile residential institution, the Wilkinson Home for Boys. Repeatedly, they suffer sexual and violent abuse at the hands of the Wilkinson guards. However, it is not incidental that the two juveniles who are raised in intact families bounce back from these experiences and refrain from participating in further criminal activity upon their release. Mike (Brad Pitt) becomes an assistant district attorney; Shakes, the narrator, a journalist[781]. In stark contrast, the other two, who have been raised in broken homes, grow up to become drug-addicted, cold-hearted murderers. Even after the four of them succeed in avenging the guards who tormented them, these two persist in their serious criminal offending. Both are murdered by the age of thirty.

The frequency with which *severe disturbances* in the offender's relationship with his family are depicted in the films released during the 1990s is also worth emphasising. Anomalies such as these did not feature as regularly in the earlier films examined in previous chapters of the thesis[782]. Particularly notable is the regular portrayal, or mention of instances, of domestic sexual abuse[783]. In *Natural Born Killers*[784], Mallory (Juliette Lewis), with the assistance of her boyfriend, avenges the abuse she suffered

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[780] It is intimated that her inability to exercise control over Telly might be due to her irresponsibility. She is generally not depicted in very sympathetic terms; quite notably, she chain-smokes while breastfeeding.

[781] This, in spite of the fact that Shakes is raised in an environment that is far from satisfactory: his father repeatedly batters his mother.

[782] See, however, the case of the grossly disturbed serial murderers in *Friday the 13th Part II* and *Angel*: Ch. IV, **b.)**.

[783] On the increasing attention paid to habitual sexual offenders in Western societies during this period, see below, Ch.V, **c.)**. Greater societal awareness of the issue of domestic abuse is displayed by judicial decisions that recognised the existence of the "battered women's syndrome", in cases related to the law of provocation: see *Ahluwalia* [1992] 4 All. E. R. 889; *R. v Thornton* [1996] 1 W.L.R. 1174.

at the hands of her father by brutally murdering both him and her silently complicit mother. She is portrayed as taking pleasure in wreaking her revenge; having executed them, she triumphantly declares to her non-participating brother: "*You're free*". Nonetheless, the cathartic effect of the murders is short-lived; the psychological injury caused by the abuse proves, in her case, to be long lasting. In a later scene, flashes of Mallory's troubled past torment her memory, while she is involved in a sexual encounter with a gas station attendant[785].

Similarly, in *I Shot Andy Warhol*[786], it is mentioned that the leading character, Valerie Solanas (Lili Taylor), who commits the eponymous crime[787], had been sexually abused by her father. This is called upon to explain Valerie's vengeful stance against all men[788]. In *London Kills Me*[789], the audience are informed that the drug-dealing protagonist had been sexually abused by his father, who was drug-addict and who introduced his son, then only thirteen years old, to heroin. Quite frequently, instances of sexual or violent abuse[790] are an accompanying feature of broken homes. In *To Die For*, Lydia, one of the three high school students who are gulled by Suzanne into murdering her husband, refers to being sexually abused by her mother's boyfriend. Similarly, in an early scene of *Sleepers*, John displays the physical scars of the violent beating he received at the hands of his mother's boyfriend.

Other forms of severe disturbance within the offender's family environment are also depicted in the 1990s films. In *Natural Born Killers*, Mickey (Woody Harrelson), Mallory's boyfriend, witnessed, at a young age, the murder of his father. This is summoned to explain –in part- his grossly disturbed, homicidal behaviour. Anomalous erotic relationships between parents and their offspring are also depicted in two cases. In *My Own Private Idaho*[791], Mike (River Phoenix), a young male prostitute, is repeatedly

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[784] *(1994, U.S., O.Stone)*

[785] She subsequently murders the gas station attendant, though this is partly because he recognised her.

[786] *(1996, U.S., M.Harron)*

[787] This film is also based on real events.

[788] See below, Ch.V, **c.)**.

[789] *(1991, U.K., H.Kureishi)*

[790] Violent abuse is also referred to in *Small Faces*: the illiterate elder brother of the adolescent protagonists had been habitually beaten by their father, before the latter passed away.

[791] *(1991, U.S., G.Van Sant)*

tormented by visions of his mother, with whom he has lost all contact. He flies to Italy, in the hope of being reunited with her. Initially, Mike is under the impression that his father had drowned prior to his son's birth. However, subsequently it is revealed that Mike's natural father is his elder brother, who, while still an adolescent, had forged a sexual liaison with their mother. These experiences are apparently the cause of Mike's psychopathological narcolepsy. Similarly, in *Grifters*[792], Ray (John Cusack), the twenty-five year old habitual fraud offender at the centre of the narrative, is portrayed as being erotically infatuated with his relatively young mother. It is intimated that his involvement in criminality is partly an attempt to emulate and impress her. She is involved in criminal activity herself, being employed by the Mafia for a series of betting scams[793].

In all the cases of severe family disturbance outlined above, with the possible exception of Lydia in *To Die For*[794], the offenders' participation in criminal activity is remarkably persistent. Mickey and Mallory commit a substantial number of murders in *Natural Born Killers*. In *Grifters* and *My Own Private Idaho*, the offending characters have engaged in illegality since late adolescence. In *I Shot Andy Warhol*, Valerie's attempted murder of the well-known artist is not her first dalliance with criminal behaviour. A few years earlier, she earned her college fees through prostitution. These characters are thus portrayed as being entrenched in their criminal ways. Only Ray, towards the end of *Grifters*, considers pursuing a legitimate line of business, prior to being killed by his own mother.

These observations give rise to questions about the freedom with which these offenders chose to engage in their criminal behaviour. In view of the

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[792] *(1990, U.S., S.Frears)*

[793] Severe disturbances in the offender's familial environment, contributing to his mental disorder, are also depicted in *Single White Female (1992, U.S., B.Schroeder)* and *Heavenly Creatures (1994, N.Z., P.Jackson)*. In the former film, the mentally disturbed murderer is depicted as having been seriously traumatised by the stillbirth of her twin sister. In *Heavenly Creatures*, Juliet (Kate Winslet), one of the adolescent murderers, is distressed to discover that her mother lies with her lover in the marital bed, while Juliet's father is staying in another room of the house. Juliet's mother explains that the three of them have arranged to live together under one roof, until her parents' divorce plans are finalised. The effect of all this on Juliet's psyche is surely compounded by the fact that such arrangements were decidedly uncommon in early 1950s New Zealand, where the film takes place. This film is also partially based on real events. Also in *Jason's Lyric (1994, U.S., D.McHenry)*, a film focussing on the underclass, the audience are informed that the protagonist, while still a child, accidentally killed his father; the latter habitually abused the protagonist's mother.

deep psychological injuries they have suffered, as well as their resultant state of significant mental disturbance[795], it is difficult to construe their actions as the result of a freely made decision by a fully responsible agent[796]. Here it should be recollected that in the few cases where crime was attributed to *severe* family disturbances in the 1980s films[797], the offenders were again depicted as not possessing any choice over their disturbed behaviour. It is the *frequency* with which cases of severe disturbances of familial environments are recorded in the 1990s films that has increased.

The ultimate issue to be considered in this section is the extent to which the cinematic characters in the 1990s films display an awareness of the link between their deficient familial environment and their criminal activities. As in the films of the 1980s, in *Dangerous Minds*[798], a character dismisses as facile and trite the purported causal association between family problems and crime. Specifically, Emilio, the gifted but violent high school student who becomes the focus of the new teacher's attention[799], responds to the latter's attempt to discover the roots of his self-destructive behaviour in this manner: "*You want to psychologise me? I come from a broken home and I'm poor? I've seen the same movies as you.*"[800]. It can be recollected that the films of the 1980s validated the association between a deficient family environment and crime, in spite of the cinematic characters' express refutations. In *Dangerous Minds*, this point remains unresolved, as Emilio's precise family circumstances are not revealed. However, amongst certain members of the

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[794] Though the narrative of this film does not span a significant time frame.

[795] Many of these cases will also be examined in relation to the depiction in the 1990s films of mentally disturbed offenders. See below, Ch.V, **c.)**.

[796] Though, towards the end of *Natural Born Killers*, Mickey and Mallory announce their decision to desist from further criminal activity: see below, Ch.V, **b.) ii.)**.

[797] The serial murderers in *Friday the 13th Part II* and *Angel*: see Ch. IV, **b.)**.

[798] *(1995, U.S., J.N.Smith)*

[799] *Dangerous Minds* is a reprisal of the familiar scenario already encountered in *Blackboard Jungle* and *To Sir With Love*, where a well-meaning teacher succeeds, through his innovative methods, to stimulate his unruly students' appetite for learning.

[800] For the first time in this study, a character concedes that knowledge of the possible association between a problematic familial environment and crime is derived from the media. This is in tune with the increased presence of the media in the 1990s films. In a similar manner, in *Scream (1996, U.S., W.Craven)*, a high school student states with conviction that the serial murderer who terrorises the local community is none other than fellow student Sid (Neve Campbell). She argues that the commission of these murders is Sid's psychological reaction against her own past victimisation; Sid's mother was also murdered some years before. The high school student asserts that her knowledge of psychological processes has been gained from repeated viewing of reality chat show *Ricki Lake*.

teacher's "*Academy class*"[801], an association is –at least implicitly- made between their unmanageable behaviour and the quality of their familial environments[802].

In *Grosse Pointe Blank*[803], one of the cinematic characters demonstrates an especially acute awareness of the possible connection between his familial environment and his criminal behaviour. In this case, the offender does not himself dismiss the purported causal association between family and crime as trite and obfuscating. Deeply aware, that others are wont to do so, he seeks to *reconfirm* it. The film depicts the return of Martin Blank (John Cusack), a young contract murderer to his hometown for his high school reunion. Initially, the reasons for Martin's involvement in this line of business appear elusive. However, in the penultimate scene of the film, he asserts to his former girlfriend that his amoral actions can be explained by reference to his upbringing in an unaffectionate environment. This is "*not an excuse, it's a reason*", he hastens to add. He contends that his upbringing left him with an emotional void, which he has thereafter vainly sought to fill. Martin resolves to abandon contract killing, when, in an epiphanic moment during a battle in the Gulf War, he discovers that "*perhaps there is meaning to life*".

b.) Post-Modernity and Moral Flexibility

i.) The Bankruptcy of Political Ideology

As elaborated at the beginning of this thesis[804], modernity refers to the conviction that human beings are capable of creating a near-perfect society, through the application of rational thought, endeavour and expanding knowledge. However, this belief was increasingly questioned during the 1980s and, particularly, in the 1990s, when it was claimed that Western societies were gradually entering a *post-modernist* phase.

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[801] The "*Academy class*" consists of gifted, yet unruly children, with little or no educational skills.

[802] Specifically, the teacher is surprised to discover that the mother of two of her students withdrew her children from the school, upon being informed that the new teacher was attempting to stimulate their interest in poetry. The mother feels that poetry, in view of the students' unprivileged position, is an unneeded luxury. Another high school student is depicted as living in a deprived, overcrowded home.

[803] *(1997, U.S., G.Armitage)*

[804] See above Ch.I, **a.), iii.)**.

The sociological variant of post-modernist thought was initially advanced in French academic circles; to an extent, it was spurred by an intellectual disenchantment with the application of Marxist ideals in communist nations[805]. A key concept, put forward by Derrida, was that of "*deconstruction*". Derrida pointed out that modernist perspectives on the world, including that of reason and science, often presented themselves as timeless and universal, whereas, in truth, they could be "deconstructed": traced back to their original contestable assumptions and to the contingent historical events that led to their adoption[806].

Following this line of argument, Bauman threw severe doubts on the ability of various modernist ideologies to achieve their purported aim, the "*rational organisation of human condition*"[807]: a final and successful resolution to social questions and dilemmas. He observed that grand modernist schemes, which attempted to lend a structure to society and classify citizens according to certain criteria, *ironically* led to the creation of more disorder and ambivalence. This, according to Bauman, was inevitable: disorder was the necessary corollary of the human pursuit of order, not a symptom of its failure; ambivalence, the by-product of attempts at classification which would never be perfect[808].

Bauman illustrated these arguments by looking into the history of National Socialism in Germany and communism in the Soviet Union, two extreme examples of modernist attempts to transform society in accordance with an elaborated ideology[809]. But Bauman's thesis equally applies to the "*modernist project*" of Western societies, as elaborated above[810]. Indeed, the manner in which the post-modernist perspective can be employed to illuminate the assumptions underlying recent criminal justice policy will subsequently be investigated[811].

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[805] Smart, B., *op.cit.*, p.29.
[806] Appignanesi, R. and Garrett, C. (with Serdar, Z. and Curry, P.) *Introducing Postmodernism* Cambridge: Icon Books 1999, pp.79-81.
[807] Smart, B., *op.cit.*, p.63.
[808] cf. Bauman, *op.cit.*; Smart, B., *op.cit.*, pp.40-1.
[809] Bauman, *op.cit.*
[810] See Ch. I, **a.)**, **iii.)**. Cf. Bauman, Z. *Postmodernity and Its Discontents* New York: New York University Press 1997; Smart, B., *op.cit.*, p.69.
[811] See below, Ch.V, **c.)**.

It has been seen that post-modernist theory challenged both the tendencies of political ideologies to present themselves as the undisputed truth, as well as their claims of effectiveness. The bankruptcy of political ideologies is mirrored in a category of films produced during the 1990s, in which the characters' motivation to perpetuate a criminal offence was to further their ideological beliefs. In *I Shot Andy Warhol*, Valerie claims for herself a "*revolutionary*" status. She establishes the *Society For Cutting Up Men (SCUM)*, which is dedicated to demonstrating the "*natural superiority of women over men*". Subsequently in the film, Valerie joins another group -"*a street gang with an analysis*" as she defines it-, which makes revolutionary claims and is, at the same time, involved in criminal actions[812]. In the final scene of *Natural Born Killers*, Mickey and Mallory declare that they intend the murder of a producer of sensationalist television criminal biographies to be viewed as a "*statement*", even though they are uncertain as to what exactly this should communicate. In *The Last Supper*[813], a group of liberal students, challenged by a racist bigot that they are "*bleeding-hearts*" who "*don't do nothing*" but "*whine*", resolve to murder a series of individuals, whose political opinions they find odious. They believe that, in this way, they will finally be able to "*make a difference*"[814]. Last but by no means least, in *Point Break*[815], a gang consisting of young surfers commits a series of bank robberies. They claim their crimes were "*never about the money*". Rather, they seek to express through them hostility against the "*system*" that "*kills the human spirit*". The proceeds from their robberies are used to finance their beloved "*100% adrenaline*" extreme sports pursuits. As Bodi (Patrick Swayze), the leader of the gang, argues: "*Why be the servant of the law, when you can be its master?*"

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[812] The narrative of this film is set in the late 1960s; this can explain this proliferation of "revolutionary" organisations.

[813] *(1996, U.S. S.Title,)*

[814] The group's *modus operandi* is as follows: they invite their prospective victim to dinner, giving him an opportunity to express his views. If, by the end of dinner, the students unanimously agree that the invitee's death would "*make the world a better place*", they hand him a glass of poisoned wine. The group's victims include, by way of example, a "right to life" activist, who sanctions the murder of doctors performing abortion operations, and a homophobic reverend, who believes that the AIDS virus is a godsend plague.

[815] *(1991, U.S., K.Bigelow)*

Three points of clarification need to be made in relation to these films. In the first place, only in *The Last Supper* do the offenders subscribe -at least initially[816]- to a well-defined, widely practised ideology. In the remainder of the films, the set of ideological beliefs, to which the offenders refer, is of a decidedly hazy nature. Secondly, the level of the offenders' conviction in these beliefs, as well as the degree to which their criminal actions can be claimed to spring from them, widely vary. In *Natural Born Killers*, the uncertain content of the "*statement*" that Mickey and Mallory seek to make, through their last murder, has already been observed. In *I Shot Andy Warhol*, the principal offence Valerie commits, the attempted murder of the eponymous artist, is only tenuously linked to her political thesis. In both these cases, it will be shown that the offenders' actions can more plausibly be attributed to their severe mental disturbance[817]. Only in *Point Break*, is a character depicted as being fully committed to his beliefs. This might be the reason why Bodi, the character in question, is portrayed in more sympathetic terms than other politically motivated offenders. Devoted to a highly exciting, adventurous lifestyle that, he feels, contemporary society seeks to suppress, and perpetually in quest of the "*killer rush*", Bodi drowns while surfing in a vicious Australian storm. Even the FBI agent, who is assigned to the surfers' capture, exhibits a certain sympathy for Bodi by allowing him to surf for one last time in the storm, after Bodi argues that his "*whole life has been about this moment*"[818].

Finally, it is obvious that by engaging in criminal behaviour, the offenders discussed above eschew the legitimate avenues of political change, which they evidently consider to be *highly* ineffective. This is rendered most explicit in *The Last Supper*. However, it is questionable whether the illegitimate interventions carried out by these offenders prove, in political terms, any more effectual. Notably, in *The Last Supper*, the students only succeed in eliminating a series of grotesque bigots, whose political impact is

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[816] The students' murders of their political opponents violently clash with liberalism's overarching emphasis on the value of tolerance.

[817] See below, Ch.V, **c.)**.

[818] In spite of the fact that Bodi has previously murdered the agent's FBI partner. Furthermore, in an earlier scene, the same FBI agent who, while working undercover, has become well acquainted with Bodi's gang, hesitates to shoot at a masked robber, upon recognising him as Bodi.

presumably minimal. They miss, however, their most eloquent and, therefore, dangerous adversary: a high profile, ultra-right wing politician, who, by a series of well-constructed arguments, succeeds in convincing the group that his extreme views are a necessary component of political argument. The students choose against poisoning him; but the cunning politician has been alerted to their intentions and treats them to a glass of their own poisoned wine. The surfers' revolt against the "system" in *Point Break* proves equally short-lived; Bodi's gang is killed by the FBI and the Los Angeles police.

ii.) Moral Relativism

Systems of moral values, which sought to present themselves as universally and eternally true, were equally robbed of their legitimacy by the arguments above. Giddens observed that the acknowledged lack of moral certainties inexorably led to the adoption of an ontologically insecure, morally relativist perspective by individuals who were members of contemporary society. In the absence of rigid, clearly delineated boundaries between normalcy and deviance, everyone found themselves with the potential to transgress. Lacking a moral compass, contemporary individuals frequently disavowed the embedded life trajectory of previous generations. Instead, they threw themselves into a ceaseless, lifetime quest for novel, intense sensations and experiences and a race of constant self-renewal. As far as the latter is concerned, the consumer market readily provided new self-identities, in association with heavily advertised goods[819]. In this near-schizophrenic exchange of self-identities, it was obvious that concepts, such as deferred gratification, had lost their meaning[820]. Bauman warned that, in relation to human desires, the lid had definitely been removed; no amount of acquisitions and exciting sensation were now deemed satisfactory or sufficient: "*the finishing line moved forward together with the runner*"[821].

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[819] cf. Giddens, A. *Modernity and Self-Identity* Cambridge: Polity Press 1991, pp.70-88; Young (1998), *op.cit.*

[820] Bauman (1997), *op.cit.*, p.89.

[821] *Ibid.*, p.40.

This ceaseless quest for fresh experiences was highly atomistic. The sacrifice of individual desires for the sake of social, or even familial[822], welfare was rarely contemplated. Citizens of post-modern societies owed a single duty, to themselves: they needed to "*play their cards right*", so as to engage in as many sensations as possible and avoid placing limits on their freedom of choice[823]. Indeed, Bauman claimed that freedom of choice was now the most seminal stratifying factor in post-modern societies; the more one possessed, the higher one was on the social ladder[824]. The only freedom not contemplated, Bauman lamented, was the freedom from the consumer market[825]. The New Right ideology of the market and its consumerist perspective on social affairs had now entered a period of unchallenged dominance; it had withstood the post-modernist onslaught on political ideologies, probably because it made few assumptions about the morality of human nature.

The breakdown in moral values can also be evidenced in the fascination, exhibited during the 1990s, with the culture of extremely violent ghetto gangs and the rites of organised crime; particularly characteristic is the mass media interest in the amoral "*hit-men*", the professional murderers. The quest of these criminal offenders for immediate gratification and their preference for a sensually stimulating, but frequently brief life over the drudgery of a routine existence, is claimed to incorporate many of the values held by young people in general during this period[826]. These values were frequently diffused through media representations, which claimed an increasingly prominent part in the lives of post-modern citizens[827].

The emergence of the post-modernist perspective also affected the science of criminology; though Young has pointed out that post-modernist themes could be previously detected in criminological thinking, particularly

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[822] Young remarked that the demand for a more expressive, self-actualising life had rendered family members more reluctant to sacrifice their individual desires in the interests of a coherent and well-functioning home atmosphere: family members had "*deconstituted the family*": Young (1999), *op.cit.*, pp.157-8.
[823] Bauman (1997), *op.cit.*, p.41.
[824] *Ibid.*, p.93.
[825] *Ibid.*, p.262.
[826] Castells, *H. End of Millenium* Malden: Blackwell 1998, p.204.
[827] Ibid; Klein, M.W. *The American Street Gang: Its Nature, Prevalence and Control* New York: Oxford University Press 1991, pp.205-8.

in the writings of labelling theorists[828]. In the first place, it was observed that the process of "deconstruction" could readily be applied to criminological research, thereby shedding light upon the underlying assumptions and value positions of every piece of research[829]. Secondly, another example of postmodern irony was found in the calls made by criminologists for a fundamental transformation of the social policies and structures that create oppressions. By raising expectations that cannot be met in the current political climate of Western societies, these calls were claimed to contribute unwittingly to the exactly opposite result from that intended- the reproduction of currently existing inequalities in the distribution of power[830]. The "*constitutive criminology*" of Henry and Milovanovic is also visibly influenced by the advent of the post-modernist perspective. Henry and Milovanovic emphasised the social interconnectedness of crime. The criminologists' tendency to account for such a complex social phenomenon through facile explanations of human behaviour, presented in terms of "*choice*" or "*predisposition*", was viewed as misguided. In their opinion, criminologists should rather attempt to "deconstruct" crime: look into the sum, of which crime is only a part, and, through the transformation of the former, seek to reduce crime[831].

Furthermore, the predominance of the New Right, consumerist outlook exerted a powerful influence over contemporary developments in the field of criminal justice and is linked to the rise of restorative justice. In accordance with the consumerist perspective, the victims of criminal offences were often conceptualised as the customers of the criminal justice system[832]; and a high priority was placed on the latter to gratify the needs of the former. The rise of restorative justice is evidenced in the proliferation of mediation schemes during this period[833], in the growing attention paid to the compensation rights

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[828] Young (1999), *op.cit.*, p.33.

[829] Henry and Einstadter, *op.cit.*, (Editors' Introduction), p.417; Schwartz, M.D. and Friedrichs, P.O. *Postmodern Thought and Criminological Discontent: New Metaphors for Understanding Violence* in Henry and Einstadter, *op.cit.*, pp.419-36, p.422.

[830] Schwartz and Friedrichs, *op.cit.*, p.429.

[831] Henry, S. and Milovanovic, D. *Constitutive Criminology: The Motivation of Critical Theory* in Henry and Einstadter, op.cit., pp.436-450.

[832] James and Raine, *op.cit.*, p.71.

[833] By 1996, twenty-five mediation initiatives, dealing with minor offenders, were in operation in Britain: cf. Zedner, L. *Victims* in Maguire *et al*, *op.cit.*, pp.577-612, p.602; in the United States, a variety of programs that sought to achieve reconciliation between

of victims[834], as well as in the heightened concern for the welfare of the victim during the trial[835]. The increasingly central role accorded to victims in the criminal justice process is revealed by the popularisation of "*victim impact statements*" in the United States, where victims were given an opportunity to influence the sentencer's view by relating the harm caused to them by the offence under trial[836].

By involving the victim in the sentencing process in such a blatant manner, the "victim impact statements" conflict with the traditional theorisation of the criminal justice process as a procedure initiated by the state against the individual offender[837]. The postmodern states appear generally willing to surrender large areas of their responsibility for the criminal justice system to third parties, primarily private companies[838]. In accordance with the central tenet of market ideology, it is expected that the latter will run the allocated functions more efficiently and cost-effectively than the monopolistic state agencies[839]. It has often been commented that viewing the criminal justice system in terms of a market is inherently problematic, due to its monopolistic nature. Nonetheless, the privatisation of part of the prison system and the court escort services took place in Britain during the 1990s[840].

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victims and offenders after sentencing were introduced during the 1990s: Von Hirsch and Ashworth, *op.cit.*, pp.308-9. See also the discussion on the introduction of Family Group Conferences in New Zealand and Britain: above, Ch.V, **a.)**.

[834] Ashworth, A. *Sentencing and Criminal Justice* London: Butterworth 1995, pp.73-4.

[835] In 1990, the Home Office declared its intention to abide by a "Victim's Charter". This sought to specify the obligations of the Home Office towards the victims of criminal offences, in relation to the service they received by the criminal justice system. A second Victim's Charter that further elevated the standards of the service in question, and by which the Home Office undertook *inter alia* to safeguard that victims were treated with care and sensitivity in court, was announced in 1996: Zedner, *op.cit.*, p.601.

[836] The families of crime victims often accompanied politicians in press conferences announcing the introduction of mandatory sentences in the United States: see below, Ch. V, **c.)**; cf. Garland, D. *The Culture of Control: Crime and Social Order in Contemporary Society* Oxford: Oxford University Press 2001, p.11.

[837] Garland, D. *The Limits of the Sovereign State: Strategies of Crime Control in Contemporary Society* Brit. J. Crim. 36/3 (1997) 445

[838] *Ibid.*

[839] Public sector agencies are also encouraged to emulate the values and the working practices of private industry: Garland (2001), *op.cit.*, p.18.

[840] The contracting out of certain types of prisons was first made possible by section 84 of the 1991 Criminal Justice Act. By January 1996, four prisons were privately run. The 1994 Criminal Justice and Public Order Act included provisions that allowed for the contracting

In films of previous decades as well, the cinematic offenders' involvement in criminal activity could, to a degree, be attributed to their relaxed moral inhibitions against engaging in illegal behaviour; especially where the character actively chose to perpetrate the criminal offence. However, it will be argued that, during the 1990s, more than in any previous decade, heavier emphasis is placed upon the offender's morally flexible perspective as a means of accounting for his involvement in criminality. Furthermore, this relaxation of moral inhibitions is portrayed in the films as being so widespread, that it can no longer be adequately explained by reference to a character's individual flaws; it is better characterised as a social condition.

First, in the films of the 1990s, there are instances where the offender expressly justifies his criminal actions by reference to a system of values that is widely divergent from that which underlies the criminal laws in contemporary societies. In *Natural Born Killers*, a psychiatrist diagnoses that Mickey and Mallory are "*psychotic*": aware of the distinction between right and wrong, they consciously choose to "*not give a damn*". This assessment, however, is demonstrably erroneous. Testifying to the murderous couple's possession of a moral sense is the fact that they heavily regret one of the murders they commit: that of an Indian shaman who offered them his hospitality and was sufficiently perceptive to figure out their troubled psyches: "*He saw our demons*", Mickey asserts. It rather appears that Mickey and Mallory judge their actions according to a different system of values. Hence Mickey's conviction that murder is in most cases sanctioned. "*All God's creatures do murders*", he argues. Just as nature dictates that the deer are to be eaten by more potent species, Mickey -in his own view, an "*evolved*" species himself- is entitled to eliminate ordinary, weaker, conscience-ridden human beings, simply by virtue of being capable of doing so.

As mentioned earlier, in *The Last Supper*, the group of young liberals justifies its murders of right-wing activists, on the basis that these exterminations "*make the world a greater place*". Prior to conceiving their

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out of parts of public sector prisons (s.96) and specific functions and activities in state-run prisons (s.99). cf. Cavadino and Dignan, *op.cit.*, pp.157-69

plan of poisoning their dinner guests, the young liberals discuss a hypothetical question. Would it have been morally justified to murder Adolf Hitler in 1909, had one been able to predict what was to follow? All the members of the group respond positively; even the social worker, who points out initially that the students "*are not God*" and cannot thus unerringly distinguish between good and evil, ultimately concurs. The young liberals then wonder whether, according to this line of reasoning, the murder of Idi Amin or Senator Joseph McCarthy would have been equally justified.

In *Grosse Pointe Blank*, Martin, the young contract murderer, does not seek to justify his actions by reference to an alternative system of values. Rather, he points to the absence of a prevailing morality: the normative relativism that is precisely the subject of this discussion. Martin is depicted as an acutely amoral character. He treats the murders he commits as a "*job*"; he amusingly entreats his psychoanalyst not to dwell upon them, as "*what a person does for a living does not reflect what he is*". Indeed, Martin subsequently divulges to his girlfriend that it was precisely because of his "*moral flexibility*", that he was selected by the CIA to be trained as a professional killer. His girlfriend inquires: "*How come you never learned it was wrong? There are certain things you don't do in civilisation*". Martin's reply is fully revealing: "*Which civilisation are we talking about?*"[841]

In a similar vein, in certain films produced during the 1990s, the cinematic offenders visibly pride themselves on their grave criminal behaviour. In *Kids*, a large group of juveniles savagely assault one of their peers over a trifling provocation. Later on, some of the attackers are pictured as being wholly unconcerned over the fate of their victim. Indeed, one of them appears enthralled by the possibility that he might have been fatally injured.

In other films of the 1990s, the offender's decision to engage in criminality is depicted as being partially prompted by his perception of it as a glamorous activity. Here it needs to be recollected that throughout the whole of the period covered by this research, criminal characters have been vested

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[841] As mentioned above, Martin loses his "*taste*" for killing, when, confronted with a beautiful scenery during the Gulf War, he realises that maybe there is "*meaning to life*".

with a certain romantic aura[842]. However, it is predominantly in the 1990s films where the glamorous attributes of a criminal way of life are depicted as *actively* motivating the protagonists' adoption of criminal behaviour[843].

In *Grifters*, Ray is depicted as having been enthralled by fraud offenders, the eponymous "*grifters*", since his adolescence. In *Small Faces*, the adolescent protagonists display a similar romantic fascination with the youth gangs of 1960s Glasgow; they become promptly involved in gang fights themselves. *Sleepers* and *A Bronx Tale*[844] both take place in lower class, predominantly Italian-American neighbourhoods of New York City. In both films, the young protagonists are awed by the overpowering presence of criminal figures in their neighbourhoods. In *Sleepers*, the four juveniles learn how King Benny, a former associate of Lucky Luciano, rose to the status of a legend in Hell's Kitchen, after he took an especially vicious revenge upon a man who had thrown King Benny -while a child- down the stairs. Soon afterwards Shakes applies to King Benny, now the Mafia boss of the neighbourhood, (Vittorio Gassman) for a job; he is assigned to the collection of the payoffs. In *A Bronx Tale*, Calogero (Lillo Brancato/Francis Capra) notices from a very early age that Sonny (Chazz Palmintieri), a prominent criminal, is treated "*like a God*" in his neighbourhood. "*Nobody's cooler than you*", Calogero tells Sonny at one point. He is also proud to be employed by him for a series of illegitimate errands[845].

In certain films produced during the 1990s, the cinematic characters' perception of criminal activity as glamorous or romantic is depicted as having its roots in media representations of such behaviour. This is the first time such an association is made in the period covered by this study[846]. In *True*

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[842] See chs. I-IV. See, in particular, the frequent incidence of the scenario where the leading female character is erotically attracted to the criminal or delinquent protagonist.

[843] Although a similar observation can be made in respect of a film released during the 1980s, *Goodfellas*: see Ch. IV, **a.)**.

[844] *(U.S., 1993, R.De Niro)*

[845] Ultimately, however, Calogero comes to realise that Sonny's is "*a horrible way to live*". Well aware that he is feared rather than loved in the neighbourhood, Sonny is deeply suspicious of everybody.

[846] The overwhelming presence of the mass media in contemporary society is evidenced in the 1990s films. See also fns. 43, 83. Particularly notable is the interest displayed by print and broadcast journalists in criminal law cases. A regular feature of the 1990s films is the gathering of journalists and television crews outside a criminal court or a suspect's home: see, for example *Primal Fear* and *To Die For*. In *The Chase (1994, U.S., A.Rifkin)*, the principal character's flight from the authorities is broadcast in real time on television; no

Romance[847], Clarence Worley (Christian Slater), a young comics store assistant is married to former prostitute Alabama (Patricia Arquette). Shortly after his marriage, the apparition of Elvis Presley, which acts throughout the film as Clarence's advisor and guardian angel[848], inquires whether Clarence can bear the thought of Alabama's former pimp Drexl (Gary Oldman) being alive. Clarence responds by murdering Drexl; when he informs Alabama about it, she bursts into tears: "*What you did was so romantic*", she exclaims. It has been put forward[849] that this scene is a direct allusion to a similar plot development in *Taxi Driver*[850]. An avid filmgoer, Clarence opts to pursue this course of action, because he is inferred to have seen Travis Bickle in *Taxi Driver* avenge the defilement of a prostitute in an identical manner[851].

In a specific scene of *Natural Born Killers*, an Indian shaman invites Mickey and Mallory to his tent. By employing quasi-mystical powers, he succeeds in seeing through the murderers' tormented psyches. While the

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doubt the narrative has in these respects been informed by the actual circumstances of the O.J. Simpson case. However, the argument that a young person's exposure to the mass media may infuse him with deviant values is shown as being an old one in *Let Him Have It (1991, U.K., P.Medak)*, a film released during this period, but set in the late 1940s. The film deals with the celebrated real-life case of Derek Bentley. During Derek's trial for the murder of a policeman, the judge advises the jury to disregard the commonly made argument that comic books and films can be called upon to account for Derek's (Christopher Eccleston} behaviour. However, the argument is depicted as being to some extent valid within the film itself; in recounting the events that led to his murder trial, Derek confesses that carrying a gun made him feel "*like the gangsters in the films*" he enjoyed. In the aftermath of the James Bulger case, where an association was drawn between the murder and one of the offenders' viewing of the horror film *Child's Play 3: Look Who's Stalking (1991, U.S., J.Bender)* in videotape, the press paid increasing attention to the possible effects of violent media representations on a young psyche: cf. Muncie, *op.cit.*, p.5. It is indicative of the pressure exercised by the popular press on this issue that two of the films dealt with in this study were initially banned from video release: *Natural Born Killers* and *Kids*.

[847] *(1993, U.S., T.Scott)*

[848] This figure, the only fantastical element in an otherwise relatively realistic film, is not expressly referred to as Elvis Presley in the film, probably for copyright reasons, but as Clarence's "*mentor*".

[849] Not least, by the screenwriter of the film, Quentin Tarantino.

[850] Also a film examined in this study: see Ch.III. A pronounced tendency, on the part of the 1990s films, to refer to cultural products of past eras is observed: see, especially, *Scream* and *Reservoir Dogs (1992, U.S., Q.Tarantino)* -a film not covered by this research. In certain films, the cinematic offenders are depicted as seeking to copy the criminal methods used in earlier films. In *Palookaville (1996, U.S., A.Taylor)*, the three friends who plan to rob an armoured car watch with great interest an old black-and-white film that deals with the subject. In *Scream*, Billy and Stu boast that they have succeeded in evading the attention of the authorities through employing the techniques used by serial murderers in their beloved (late 1970s-early 1980s) horror films: "*Watch some movies, take a few notes, it's fun*".

[851] Similarly, in a scene of *La Haine (1996, Fr., M.Kassovitz)*, Vinz (Vincent Cassel), the protagonist, emulates the behaviour of Travis Bickle in *Taxi Driver*. He poses in front of a mirror, cherishing the vision of himself as he defiantly inquires: "*Are you talking to me?*" For further details on this film, see below, Ch.V, **d.)**.

Indian is carefully observing them, the following written message appears on the cinema screen: "*demons...too much TV*". In other words, it is posited that the source of the offenders' disturbed behaviour lies in their overexposure to television[852]. Additionally, the film ends, after the pair's successful escape from the authorities, with a collage of television reportage of recent criminal and violent incidents: the O. J. Simpson and the Laurena Bobbit criminal trials; the bloody siege by the FBI of the premises of a religious cult in Waco, Texas. It is well known that, for a variety of reasons, these events were all covered to the point of saturation by the mass media. The point apparently made is that the mass media have substantially contributed to the exceedingly violent character of contemporary society, of which the murderous characters are but an extreme expression[853].

The wide loosening of normative inhibitions against the transgression of legal boundaries is highlighted by the recurrence in the 1990s films of the following scenario. The cinematic characters are presented, by accident rather than by their own design, with the opportunity to perpetrate an essentially victimless offence, that appears to bear a slim possibility of being detected, yet will accrue to them considerable personal benefit. Invariably, the characters in question opt to seize this opportunity[854].

In *Shallow Grave*[855], the three friends engage in what they term a "*material calculation*" and choose to surreptitiously bury the corpse and retain the money. In *True Romance*, Clarence seizes a suitcase from the house of the pimp he kills, anticipating that it contains his wife's possessions, but,

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[852] Ironically, Mickey is outraged, when he happens across a particularly violent film on a motel television set: "*Piece of garbage...Doesn't anyone in Hollywood believe in kissing anymore?*"

[853] The line between -fictional- reality and media representations is often blurred in *Natural Born Killers*. Mallory's abuse at the hands of her father, and the revenge she subsequently takes upon her parents, are presented within the context of an unnatural television "situation comedy" ("sitcom"). A considerable portion of the film is taken up by Wayne Gale's sensationalist "*American Maniacs*" biography of the murderous couple. The couple's escape from prison is broadcast live on television; it is actually facilitated by the fact that the prison guards are reluctant to endanger the lives of Mickey and Mallory's hostages -including Gale himself- in front of the cameras. Ironically, in the final scene, Gale is left alone with the escaped murderers. He seeks to rescue himself by pointing out that it is the serial murderers' habit to let the last man survive, so that he can spread the tale of their exploits. Mallory and Mickey retort that this role can now be satisfactorily assumed by Gale's television camera.

[854] Obviously, this scenario once again underlines that, in the 1990s films, behind the depicted criminal offences usually lie the personal, relatively unhindered choices of the offenders. See above, Ch.V, **a.)**.

[855] *(1994, U.K., D.Boyle)*

instead, is loaded with cocaine. The couple resolve to sell the considerable amount of narcotics to a successful film producer in Los Angeles. In *trainspotting*[856], a local drug dealer, anxious about detection, offers two kilos of heroin to Renton and his friends at a very favourable price. The friends use their savings to purchase the drugs, with a view to reselling them in London[857].

In a similar manner, in *I Know What You Did Last Summer*[858], four recently graduated high-school students accidentally run over a man with their car, while being highly intoxicated. Worried about the implications this accident might bear on their futures, the students opt to throw the -apparently dead[859]- man's body into the sea, and keep the whole event a secret. In the opening scene of *Last Supper*, the liberal students accidentally welcome a racist bigot in their house. The guest proceeds to verbally abuse them; furthermore, he physically threatens Mark (Jonathan Penner), a Jewish student. In a state that could be construed as self-defence, Mark fatally stabs the guest. Alarmed over the effect this incident will have on Mark's flourishing career, the students opt to "*just let this pass*" and secretly bury the corpse in their back yard[860].

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[856] *(1996, U.K.., D.Boyle)*

[857] These cases are also revealing of the attitude of cinematic offenders in the 1990s films towards money. As in the films produced during the 1980s (see Ch. IV, **a.**)), the offenders do not seek to obtain through the proceeds of these crimes their basic means of subsistence. The three friends in *Shallow Grave* are all middle-class professionals. Both the offenders in *trainspotting* and *True Romance* are depicted as being capable of making ends meet, without resorting to illegitimate methods. It has been seen that in the 1980s films, the offenders viewed their involvement in criminality as a "*business*": their means of ensuring a *stable* high income. The offenders in the 1990s films appear rather to be in pursuit of what Russ (Vincent Gallo), the principal character in *Palookaville*, memorably defines as a "*momentary shift in lifestyles*". In this film, three essentially kind-hearted friends obsessively plan the robbery of their neighbourhood jewellery store and, subsequently, of an armoured car that traverses the local streets. Russ dreams of using the proceeds of this one-off criminal offence to begin a new life in California with his girlfriend. Very similarly, in *True Romance*, Clarence and Alabama run away with the proceeds of the drug sale to a Mexican beach. It is observed that all these characters appear to believe that the possession of the unmerited proceeds of their single property offence will substantially enhance their life experience. This is in spite of the fact that the sum of money in question is unlikely to last them for more than a few years, and cannot on its own ensure the luxurious lifestyle their more business-minded 1980s counterparts enjoyed. See also *Killing Zoe (1994, U.S., R.Avary)*, where Zed and Eric refer to the robbery they are to commit the following day as "*the beginning of their lives*".

[858] *(1997, U.S., J.Gillespie)*

[859] Actually, the man regains consciousness, just as the students have thrown him into the sea. One of the students then actively seeks to drown him, without success.

[860] Only subsequently do they commence their series of premeditated murders.

In the cases of *Shallow Grave*, *trainspotting* and *True Romance*, the offences were in essence "victimless". In the case of offences against the person and property offences, the cinematic characters often neutralise their inhibition against the transgression of legal boundaries by the utilisation of a technique that was described by Sykes and Matza as the "*denial of the victim*"[861]. The prospective offenders in these cases appear to realise that causing pain, financial deprivation and, more often than not, murder to a fellow human being is generally indefensible. However, they claim that their *specific* actions are directed against individuals who deserve this sort of treatment. To a certain extent, this rationalisation of criminal behaviour echoes the preoccupation with the harm caused to victims prevalent in the criminal justice culture of postmodern societies. Engaging in serious criminal behaviour troubles less the offender, when it harms the interests of individuals of whom he disapproves. It is generally portrayed in less censuring terms, it is perpetrated upon a character with whom the audience is not invited to sympathise[862].

Obviously, this is the rationalisation behind the liberal students' consecutive premeditated murders in *The Last Supper*. Similarly, in *Grosse Pointe Blank*, Martin, the contract killer, reasons that his victims have "*done something to bring* [him] *there*". He adds that the files on them frequently read like a "*demon's resumè*". In *Butterfly Kiss*[863], Miriam murders a driver who gives the two drifters a lift and subsequently displays a penchant for sadomasochistic sex. She defends her actions on the grounds that he was a "*pervert*", who "*deserved to die*". It has already been seen that Mickey in *Natural Born Killers* holds murder to be in most cases defensible. However, he too bases this partly on the belief that most people have committed a

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[861] Sykes and Matza, *op.cit.*.

[862] Reiner *et al.* have also observed that the behaviour of criminal offenders in contemporary films is more likely to be presented in unfavourable terms, when it risks harming victims that the audience is inclined to sympathise with. By way of contrast, in earlier films, crime was condemned, on the grounds that it challenged the authority of the law. They view this as further evidence that we are currently living in a less deferential culture: cf. Reiner, R., Livingstone, S. and Allen, J. *Casino Culture: Media and Crime in a Winner-Loser Society* in Stenson, K. and Sullivan, R.R. (eds.) *Crime, Risk and Justice: The Politics of Crime Control in Liberal Democracies* Devon: Willan Publishing 2001.

[863] *(1995, U.K., M.Winterbottom)*

horrible sin in their past and thus "*deserve to die*"[864]. In *Palookaville*, the armoured vehicle, that the three friends attempt to rob, belongs to the owner of the local convenience store. The wife of one of the friends, who works in this store, is sexually harassed by her employer, and, when she refuses to succumb to his advances, he dismisses her. Finally, in *Sleepers*, Shakes concedes that the four juveniles' harassing prank on a street vendor can be attributed to their unjustified lack of respect for the hard-working Greek immigrant; he laments that they viewed his honest business only as an opportunity for a "*free lunch*"[865].

In the films produced during the 1990s, it is not only the offenders who veer away from the moral assumptions, on which the criminal law in contemporary Western societies is based. In *Natural Born Killers*, almost every character exhibits, in this respect, a deviant moral sense. Scagnetti (Tom Sizemore), the police detective who has risen to the status of a celebrity and who also succeeds in the apprehension of the murderous couple, boasts to Mallory about having killed a man himself, while on duty. Earlier, the prison governor, frustrated by the uncontrollable behaviour of the murderous couple in his establishment, has asked Scagnetti to stage an ostensibly accidental death of Mickey and Mallory. The detective is shown as fantasising about how the cold-blooded murder will transform him into a public hero. The governor also points out to him the enormous profits he is to make from the inevitable publication of his account of Mickey and Mallory's termination. In a different scene, the audience are informed that, through the wide publicity given to their murderous exploits, Mickey and Mallory have acquired legions of fans across the globe, who enthusiastically brand their idols as "*hot*" and

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[864] In spite of the fact that Mickey cannot logically be construed as being informed of the personal history of the majority of his victims.

[865] It should be added that the cinematic characters' inhibitions against the commission of property offences are removed with notable ease, when their prospective victims are relatively large businesses. This is because they are well aware that these will be indemnified for their losses, according to the terms of the insurance contracts they have presumably taken up. This point is made in relation to the bank robberies committed by Bodi's gang in *Point Break* and the restaurant robbery undertaken by the loving couple in the opening scene of *Pulp Fiction (1994, U.S., Q.Tarantino)*. (This film is relevant to this research only insofar this robbery is concerned). In both cases, the cinematic offenders also calculate that disobedience on the part of the staff employed in these businesses to the demands of the robbers is likely to be minimal, precisely in view of the existence of the above mentioned insurance contracts. As one of the masked offenders in *Point Break* puts it

"*cool*". In *Kids*, Casper's rape of the unconscious Jenny (Chloe Sevigny) is presented as marginally less defensible than Telly's exploitation of virginal, nearly prepubescent girls. In his quest for the *"pure pleasure*" that sexual intercourse with inexperienced girls is considered to offer him, Telly seduces a large number of gullible young girls into unprotected sexual intercourse, all the while unaware of his infection with the AIDS virus.

The pervasive presence of this normative relativism is often translated into a refusal on the part of cinematic characters to trust the motivations of all others, including their close friends; indeed, they appear convinced that other people's actions will only reflect their respective narrowly conceived self-interest. In *Shallow Grave*, the three flatmates turn against each other, accurately suspecting that each of them seeks to retain the whole sum of money for themselves. In *trainspotting*, Renton (Ewan McGregor), the protagonist, apparently convinced that at least two of his friends would act no differently given the opportunity, runs away with the proceeds of the enormous drug sale.

The ambivalent tone of the 1990s films, in relation to the justifiability of serious criminal behaviour, contributes to the atmosphere of moral ambiguity. Filmmakers have traditionally employed two methods, in order to condemn the characters' depicted criminal actions within the narrative. The first is quite obvious: the deeply unfavourable portrayal of offending characters, which minimises their claims on the audience's sympathy and readiness to empathise with their situation. However, such portrayals are not encountered frequently in the films produced during the 1990s. The liberal students in *The Last Supper* -with the exception of the psychologically disturbed Luke[866]- Clarence and Alabama in *True Romance*, the contract murderer in *Grosse Pointe Blank*, and the kidnapper with his victim in *A Life Less Ordinary*[867] are instances of criminal offenders depicted in a positively sympathetic light. To an extent, similar treatment is also reserved for mentally disturbed serial

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to a staff member of a bank he is in the process of robbing, the "*insurance is not worth dying for*".

[866] And even then, only towards the end of the film, as Luke's behaviour becomes more uncontrollable. See below, Ch.V, **c.).**

[867] *(1997, U.K., D.Boyle)*. For further information on the plot of the film, see below.

murderer Eunice in *Butterfly Kiss*[868]. Even Mickey and Mallory in *Natural Born Killers* are portrayed in relatively favourable terms, considering the series of extremely violent murders they are depicted as committing.

Offending characters have been drawn in a positive light, to a smaller or greater extent, throughout the period covered by this study. However, the 1990s films can be distinguished from their earlier counterparts in the following respect: the characters in question are now represented as committing offences of the utmost gravity; more often than not, murder. It is also worth pointing out that these offenders are frequently pictured to be getting away with their serious criminal actions. Ever since the days of the Hays Code of self-censorship[869], the explicit depiction of cinematic offenders being punished[870] for their criminal behaviour has been an available method whereby filmmakers could censure their characters' actions. This -frequently indirect- reaffirmation of the legal order within the cinematic narrative does not take place in many films produced during the 1990s. Renton in *trainspotting*[871]; Martin in *Grosse Pointe Blank*; and the loving couples in *True Romance*, *Natural Born Killers*, *A Life Less Ordinary*, and *The Chase*[872] remain resolutely unpunished for their criminal acts[873]. It is worth noting, however, that the vast majority of the aforementioned characters, even the serial murderers in *Natural Born Killers*, proclaim towards the end of the film, their intention to desist from further criminal activity, either because the offender reevaluates his moral stance[874], or because, in the "suitcase" scenarios elaborated above, a similar situation is not expected to arise again

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[868] See below, Ch.V, **c.)**.
[869] See above, Ch.I, **a.)**.
[870] Not necessarily through the criminal justice system.
[871] The point made here refers to the hugely profitable drug sale he and his friends execute towards the end of the film.
[872] In *the Chase*, a 28-year old man escapes from St.Quentin prison, after being wrongfully convicted for an armed robbery. He kidnaps the daughter of a millionaire. She grows emotionally attached to him and decisively assists in his escape across the Mexican border, by threatening to murder a television director who has covered the couple's flight from the authorities.
[873] Also Zed in *Killing Zoe*; and the three friends who attempt the consecutive robberies in *Palookaville*. These depictions can also be received as a comment on the ineffectiveness of the criminal justice system.
[874] *Grosse Pointe Blank.*

and the offender is already content with the property he has amassed[875]. The overwhelming significance of personal *choice* in one's involvement in criminal activity is reemphasised through these cases. On the other hand, it needs to be noted that these appear to be the only instances in the films of the 1990s, where the offenders are depicted as forsaking a criminal way of life. In the vast majority of the films released during this era, offenders are portrayed as irredeemable and, unless exterminated, as likely to persist in criminal behaviour. This will be rendered clearer in the ensuing discussion of mentally disturbed offenders[876].

Furthermore, in relation to the mentally disturbed murderers of the *Natural Born Killers*, the following point can be made. It has been seen that in the films produced during the 1970s, serious offenders who suffered from obvious psychological disturbance were held accountable by the "vigilante" protagonists for their crimes[877]. In Chapter III, this contention was illustrated as being paradoxical; *within the films themselves*, the offenders in question were presented as possessing minimal control over their conduct. The disturbed behaviour of Mickey and Mallory can also be described as being of a psychopathological nature. It is rooted after all in the severe traumas they experienced during their upbringing[878] and possibly in their overexposure to violent media. At the same time, within the film itself, they are depicted as possessing sufficient control over their behaviour to be capable of decisively altering it through the exercise of their personal choice. If anything, the paradoxical position held by the "vigilante" protagonists is now *expressly* validated: even individuals who suffer from severe psychic disturbance are presumed to be capable of choosing their actions.

Finally, within this morally flexible climate, it is to be expected that, in certain films released during the 1990s, the offenders' willingness to engage in criminal activity is again explained by reference to its sensual attractions.

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[875] *trainspotting*, *True Romance*. In *Natural Born Killers*, the reasons why Mickey and Mallory announce, towards the end of the film, that their murder of Wayne Gale will be their last remain obscure.

[876] See Ch.V, **c.)**. A similar observation has already been made in relation to offenders raised in highly dysfunctional domestic environments (see Ch.V, **a.)**). The deeply traumatised murderers in *Sleepers* (see Ch.V, **a.)**) and the robbers committed to a highly exciting way of life in *Point Break* (see Ch.V, **b.), i.)**) are further instances of unreformed criminal offenders.

[877] See Ch.III, **a.)**

[878] See above, Ch.V, **a.)**.

These include the excitement frequently accompanying the participation in a transgressing act, as well as the ecstatic pleasure derived from the consumption of illegal substances.

In *A Life Less Ordinary*, Robert (Ewan Mc Gregor), a young janitor avenges his recent dismissal by kidnapping the daughter of his employer. It transpires, however, that the victim harbours equally hostile sentiments towards her father; she virtually seizes control of the whole kidnapping operation, spelling out Robert's ransom demands for him. Her father, however, refuses to accede to these demands and enlists the assistance of two professional bounty hunters. In a specific scene, the millionaire's daughter seeks to persuade Robert that they should rob a bank, in order to finance their continuing flight from the bounty hunters. A rather innocuous figure, Robert is initially reluctant to go along with this scheme; she encourages him to "*live a little*". After the pair has successfully executed the robbery, she declares that she's "*having a great time*". Robert himself subsequently concedes that the sequence of events that followed the kidnapping have transpired to be "*the most exciting time in* [his] *life*".

Transgressing behaviour is linked to heightened sexual activity in *the Last Supper* as well. In this film, a young social worker, initially the most reluctant member of the liberal group to participate in criminal activity, is visibly aroused, once the group commences its series of premeditated murders. Finally, in *Natural Born Killers*, Mallory is unable to conceal her enthusiasm regarding the murderous couple's adventures. "*You make every day feel like kindergarten*", she tells partner Mickey. Wayne Gale, the television reporter who interviews the couple, is also caught up in the excitement of the couple's exploits. In one of the final scenes of the film, Mickey and Mallory seek to escape, during a large-scale riot, from the high security prison in which both are detained. Gale, who is in the process of interviewing Mickey while the riot erupts, is forced to assist in this escape. However, he assumes this part with notable fervour. *"Let's kill all these motherfuckers*", he exclaims, while shooting at the prison guards. He triumphantly declares that he feels "*alive for the first time in his life*"; his former experiences, he concludes, were "*full of lies*". To this end, he

telephones his wife from the prison in order to announce that he is requesting a divorce. Ironically, Gale's mistress abandons him soon afterwards [879].

The sensual pleasure to be derived from criminal activity and, specifically, from the consumption of illegal substances, is also highlighted in a series of films. In the celebrated opening monologue of *trainspotting*, Renton (Ewan Mc Gregor) contrasts the ecstatic experience of heroin consumption to the drudgery of everyday life. He describes the use of heroin in these terms: "*Take the best orgasm you've ever had, multiply it by a thousand and still you're nowhere near*"[880]. Similarly, in *Rush*[881], an addicted drug dealer depicts the injection of heroin in glowing terms: "*It's like dreamland, honey*", he tells undercover policeman Kristen. In *Basketball Diaries*, Jim argues that heroin offered him an escape from boredom, making him feel "*cool, like a rock star*"[882].

c.) "Law and Order" Criminal Justice Policies- The Dangerous Mentally Disturbed Offender

During the 1990s, a series of highly punitive criminal justice policies were pursued in both Britain and the United States. The adoption of these "*law and order*" measures, as they came to be called, is related to wider social and political trends. The dissolution of class stability, itself engendered by the

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[879] Other instances where the offenders' behaviour is at least partially explained by reference to the exciting aspects of criminal activity include the following: in *Les Amants Du Pont Neuf (1991, Fr, L.Carax)*, a young homeless couple knock a policeman unconscious, in order to seize his motorboat. They then proceed to water ski along the Seine, while fireworks celebrating the Bicentennial of the French Revolution illuminate the Parisian sky. In *Kids*, five juveniles enthusiastically climb into a public swimming pool late at night. In *Rush*, Kristen confesses that, to a certain degree, she misses her experiences as a drug-addict: "*I liked being scared*".

[880] Renton commences his monologue by listing a series of mundane, unsatisfactory features of modern social life: the slavering devotion to consumerism; the countless hours of tedium spent in front of television; unaffectionate familial relationships, and so on. This is in effect his response to facile anti-drug campaigns that entreat their subjects to "*choose life*" over drug addiction. "*But why would I want to do something like that*?" Renton wonders.

[881] *(1991, U.S., L.Zanuck)*

[882] At the same time, the devastating effects of drug addiction are presented in these films with notable candour. The extremely painful withdrawal symptoms addicts undergo are pictured in both *trainspotting* and *Rush*. Furthermore, in the former film, Renton's friend Tommy Boy (Kevin Mc Kidd) contracts the AIDS virus from intravenous use and suffers a particularly agonising death. In *Basketball Diaries*, Jim resorts to prostitution in order to feed his habit. In *Rush*, undercover policeman Jimmy, who becomes addicted to opiate drugs, grows increasingly paranoid. At one point, he takes to lying all day behind his front door with a gun in his hand, convinced that his enemies "*are coming*".

widening gap between the working class and the underclass[883], growing unemployment and the decline of manufacturing industry, meant that political parties, particularly those on the Left, could no longer rely on their traditional sources of votes along class divisions[884]. Political "*spindoctors*" pointed out that electoral contests were rather won by the candidate's successful address of the concerns of the "*median voter*". The "median voter" exhibited a strong reluctance to pay a larger portion of his income in taxes and a growing anxiety over the proliferation of criminal and disorderly behaviour[885]. This anxiety was substantially magnified by sensationalist coverage of horrific and newsworthy crimes in the media[886]. The mass media were also partially responsible for the prominence of the issue of crime control in the political agenda[887].

Michael Dukakis' unsuccessful candidacy in the 1988 United States Presidential Elections was widely attributed to the perception of the American electorate that the liberal criminal justice policies he advocated were unjustifiably lenient towards criminal offenders. Thereafter politicians across the political spectrum displayed a noted reluctance to be viewed as "*soft on crime*" and competed with each other in pushing for the adoption of punitive measures. The classic example of this in the United Kingdom is the readiness of both the Conservative and the Labour Parties to proclaim themselves as the "*party of law and order*" in the campaign for the 1997 elections[888]. The efficiency of these policies in controlling crime was severely doubted, yet this rarely led to their abandonment, since politicians mainly employed them as a vehicle to express their strong disapproval of criminal and disorderly behaviour and thus gain the sympathy of like-minded voters[889].

This embrace of punitive policies is intrinsically related to the loosening of moral inhibitions against criminal behaviour described in the previous section. Punitive policies are employed as a counterweight against the

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[883] See also below, Ch.V, **d.)**; particularly Bagguley and Mann's thesis that the concept of the "underclass" has been employed to drive a wedge between different sections of the working class.
[884] cf. Castells, *op.cit.*, pp.344-5.
[885] Bauman (1997), *op.cit.*, p.63.
[886] Dunbar and Langdon, *op.cit.*, pp.100-1; James and Raine, *op.cit.*, pp.74-5.
[887] *Ibid.*
[888] Dunbar and Langdon, *op.cit.*, pp.114-120.
[889] Von Hirsch and Ashworth, *op.cit.*, pp.410-420.

realisation that moral censure towards illegality has lost much of its potency, and the acknowledgement that everyone possesses the potential to deviate[890]. They seek to convince law-abiding members of society that criminal offenders are essentially different, whether in view of their wicked nature or their monstrous family history, and thus placate the formers' moral insecurity[891]. Punitive policies are also pursued to compensate for the diminishing influence of traditional sources of informal social control, such as the church, the family and the local community in the atomistic societies of the present[892].

The increasing reliance on incarceration by governments on both sides of the Atlantic is the primary example of the contemporary espousal of punitive policies. In Britain, the use of custody, in comparison to other sanctions, continued to decline during the first years of the decade[893]. This was partially due to the enactment of the 1991 Criminal Justice Act. Based on the principles of "*just deserts*" and proportionality, the Act visibly seeks to restrict the use of custodial sentences for less serious offences. It stipulates that a sentence of imprisonment will not be passed on the defendant, unless the offence is so serious that any lesser sentence would be unjustified; in cases involving violent or sexual offenders, a custodial sentence might also be imposed in the interests of public protection[894].

However, by late 1992, the political climate was no longer favourable towards the unimpeded application of the Act[895]. The media frenzy over the murder of three-year old James Bulger by two minors and the proliferation of juvenile "joyriding", and the reported record increase in property crime rates, itself a consequence of the economic recession, led to a renewed clamour for severe penalties to be passed on criminal offenders[896]. This reversal of the climate is also evidenced in judicial decisions such as *Cunningham*, which

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[890] Garland (1997), op.cit.; Young (1998), *op.cit*, pp.72-3; Morrison, *op.cit.*, p.456.
[891] Young, J. *The Exclusive Society: Social Exclusion, Crime and Difference in Late Modernity* London: Sage 1999, pp.114-7.
[892] Bottoms (1995), *op.cit.*, pp.46-9.
[893] James and Raine, *op.cit.*, pp.73-4.
[894] s.1(2)(a),(b).
[895] *Ibid.*
[896] *Ibid*; Fionda, *op.cit.*

openly defied the provisions of the Act[897]. In May 1993, Kenneth Clarke, the Home Secretary, announced his intention to repeal two key provisions of the 1991 Act[898]. His successor, Michael Howard, was keen on displaying an even tougher approach towards criminal offenders. In late 1993, he openly declared that "*prison works*" and that he "*would not flinch*" from applying penal measures that would substantially increase the number of prisoners in Britain[899]. Such measures included the Crime (Sentences) Act 1997, which introduced mandatory life sentences for those convicted of a serious violent or sexual offence for the second time[900]. Additionally, minimum sentences of three and seven years' imprisonment were respectively stipulated for those convicted for the third time of domestic burglary and class A drug trafficking[901].

For the reasons described above, the Labour Party was reluctant to challenge the Conservatives' promotion of incarceration. A new bipartisan consensus that favoured the use of imprisonment was thus silently formed[902]. As the leader of the Labour Party, Blair declared his intention to be "*tough*" both on the causes of crime and crime itself[903]. He also proclaimed himself to be in favour of measures that incapacitated hooligans, muggers, racists and rapists "*till they learn to behave like human beings*"[904]. Jack Straw, the Shadow Home Secretary, openly criticised Michael Howard for his hesitation in enacting some of his more rigid mandatory sentencing proposals[905].

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[897] In *Cunningham* [1993] 96 Cr. App. R. 422, Lord Chief Justice Taylor justified the imposition of a disproportionately long sentence on a 22-year old robber on grounds of deterrence. He also argued that the prevalence of this type of crime in the defendant's city rendered it necessary that a special example be made of him. Also in *Keogh* (1994) 15 Cr. App. R. (S) 279, the Court undermined the "seriousness" criterion of the Act by imposing a sentence of a month's imprisonment on the defendant for obtaining under false pretences thirty-five pounds' worth of goods from a DIY store.

[898] Clarkson and Morgan, *op.cit.*, pp.2-3. The sections repealed were s.18, which introduced the unit fine system and s.29 which stipulated that the defendant's prior conviction would bear only limited relevance in the calculation of the seriousness of his current offence: cf. ss. 65, 66 of the 1993 Criminal Justice Act. Both these sections had come under heavy criticism by the magistrates, the police and the media: cf. Rawlings, op.cit., pp.150-1.

[899] Clarkson and Morgan, *op.cit.*, pp.2-3; Dunbar and Langdon, *op.cit.*, p.2.

[900] s.2.

[901] ss.3-4.

[902] Dunbar and Langdon, *op.cit.*, pp. 28-9.

[903] Blair, *op.cit.*, pp.245-7.

[904] Dunbar and Langdon, *op.cit.*, pp.114-120.

[905] *Ibid.*, p.126.

Mandatory sentences for repeat offenders were first introduced in the United States. The Three Strikes and You're Out provision enacted in California in 1994 is perhaps the most commonly used example. A sentence of twenty-five years' imprisonment is imposed on persons found guilty of designated felonies on three occasions; infamously, this sentence was once passed on a defendant found guilty of stealing a slice of pizza from a child[906]. Clinton's 1994 Violent Crime Control And Law Enforcement Act included a "*three strikes*" provision for serious violent and sexual offenders. It also extended the availability of the death penalty for sixty additional crimes and authorised the grant of eight billion dollars to states in order to finance the building of new prisons[907].

It was thus unavoidable that a dramatic rise in incarceration rates would be recorded in both countries in the 1990s. In Britain, the prison population rose by more than 10,000 between 1993 and 1996[908]. In California, the use of custody multiplied by six times between 1980 and 1995[909]. Many criticisms have, however, been levelled at this growing reliance on incarceration. In the first place, it is argued that the "prison works" view rests on an overly simplistic perspective on human behaviour and social affairs; the risk of imprisonment is only one of the factors that affects crime rates[910]. Secondly, the effectiveness of rigid mandatory sentences in deterring potential offenders is questioned; it is claimed that a higher likelihood of punishment would prove more successful in reducing crime rates[911]. Furthermore, although these punitive policies are presented as a response to popular demand, research has shown that, at least in Britain, the public underestimates the severity of current sentences passed on criminal offenders[912]. Finally, it has been claimed that the preoccupation of British governments with sentencing during the 1990s is a logical consequence of the fact that the latter remains one of the few areas of criminal justice within their authority[913].

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[906] Von Hirsch and Ashworth, pp.410-20.
[907] Tonry, *op.cit.*, pp.3-4.
[908] Bauman (1997), *op.cit.*, p.35.
[909] Dunbar and Langdon, *op.cit.*, pp.49-51.
[910] Young (1999), *op.cit.*, p.143
[911] Von Hirsch and Ashworth, *op.cit.*, p.422.
[912] *Ibid.*, p.413
[913] See above, Ch.V, **b.)**; James and Raine, *op.cit.*, pp. 25-44.

Also notable is the renewed fervour during the 1990s for the application of the death penalty in the United States[914]. In 1996, the states of Kansas and New York reinstated the death penalty. The federal Violent Crime Control And Law Enforcement Act of 1994 extended its application, on a discretionary basis, to more than thirty additional offences, including cases where it was not necessary that the act itself had resulted in death. In *Wilkins v Missouri*[915], the Supreme Court had already expressed the opinion that the execution of 16-year old and 17-year old youths did not contravene the values of contemporary American society. In *Penry v Lynaugh*[916], it also ruled that mentally retarded offenders should not be considered as categorically exempt from the penalty. On this last issue, it should be added that, in the view of some commentators, Clinton's electoral success in the 1992 Presidential Elections partially owes itself to his approval as the Governor of Arkansas of the execution of Ricky Ray Rector, a convict who displayed obvious symptoms of mental incompetence[917].

Predictably, the moral panic over youth crime, instigated by the Bulger case and joyriding incidents, also led to the adoption in Britain of highly punitive measures targeted at juvenile offenders. Whereas the 1991 Criminal Justice Act had reduced the maximum term of detention in a young offender institution to twelve months[918], the 1994 Criminal Justice and Public Order Act raised it again to two years[919]. The 1994 Act also introduced the "*secure training order*" [920]. This was designed for persistent offenders between 12 and 14 years of age, whose repeated offending rendered them "*a menace to the community*"[921]. These offenders could be ordered to be detained between six months and two years in a "*secure training unit*", which aimed to provide a

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[914] In Britain, Michael Howard initially expressed reserved support for the reintroduction of the penalty, yet quickly altered his opinion over the issue: Hood, R. *Capital Punishment* in Tonry, M. (ed.) *The Handbook of Crime and Punishment* New York: Oxford University Press 1998, pp.739-777, p.764.

[915] 492 U.S. 937 (1990)

[916] 492 U.S. 302 (1989)

[917] Lowi, T.J. and Ginsberg, B.*Embattled Democracy: Politics and Policy in the Clinton Era* New York: W.W.Norton and Co. 1998, p.72.

[918] s. 63 (3).

[919] s. 17

[920] s.1.

[921] House of Commons Debates, 2 March 1993, col.139

high standard of care, education, training and discipline[922]. Commentators were quick to note that these legislative developments flied in the face of evidence on the destructive effect of incarceration on juvenile offenders[923]. Under Michael Howard, the Conservatives also extended the application of curfew orders, first introduced by section 12 of the 1991 Criminal Justice Act, to the under-16s[924]; also significant was the establishment of military-discipline "boot camps" for young offenders[925]. The launch of both these policies was heavily indebted to the practice of similar measures in the United States[926].

As was the case with its policies on adult offenders, the Blair government went to great lengths to ensure that it was not associated with a lenient attitude towards juvenile offenders. Initially it appeared reluctant to abolish the boot camps; notably, the first secure training unit was opened during its tenure[927]. In the 1997 White Paper, it declared its intention to vest local authorities with powers to initiate dusk-to-dawn curfews on all, even *non-offending*, children under ten[928]. The previous Conservative government had already discouraged the use of repeated cautioning to divert offenders from custody[929]; towards the same end, the Labour government elected to replace the cautioning procedure with the less flexible Final Warning scheme[930]. The Labour government also intended to replace the Secure Training Order with the Detention and Training Order. Offending youths between 12 and 21 years of age could be ordered to serve as much as two years in a young offender institution[931]. The Home Secretary retained the discretion to extend the application of this measure to children as young as ten; the court could any rate impose the order on offenders between 10 and

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[922] Hagell and Newburn, op.cit., pp.15-18.
[923] Fionda, *op.cit.*
[924] Crime (Sentences) Act 1997, s. 43.
[925] Two "boot camps" were opened in 1996: Muncie, *op.cit.*, p.295; Von Hirsch and Ashworth, *op.cit.*, p.412.
[926] In 146 of the 200 largest cities in the United States, dusk-to dawn juvenile curfews were enforced: Muncie, *op.cit.*, pp.238-9; By 1994, "boot camps" operated in 28 states in the US: Cavadino and Dignan, *op.cit.*, pp.262-7; Walker, *op.cit.*, p.324.
[927] In Kent in April 1998: Muncie, *op.cit.*, pp.295-7.
[928] Home Office (1997), *op.cit.*, pp. 15-8; this proposal was incorporated in s.14 of the 1998 Crime and Disorder Act..
[929] Home Office, *The Cautioning of Offenders* Home Office Circular 18/1994 London: H.M.S.O. 1994
[930] Home Office (1997), *op.cit.*, pp.15-8; Crime and Disorder Act 1998, ss.65, 66.

12, in the interests of public protection[932]. Finally, the intention of the Labour government to abolish the *doli incapax* presumption, which stipulated that a child between ten and thirteen years of age should not be held criminally liable, unless it was proven that he was aware that his actions were legally and morally wrong, should be noted[933]. It is indicative of a wider social sentiment, also to be encountered in the films examined below, that even the youngest members of society are capable of, and should be held responsible for, seriously harmful acts[934].

"Law-and-order" policies aim at the *exclusion* of criminal offenders. It is now accepted that, due to widening economic inequality, certain members of society will repeatedly resort to crime in order to continue participating in the consumer race[935]. As Garland puts it, the criminal is now no longer viewed as a "*poorly socialised misfit*", but as an "*illicit consumer whose access to social goods must be barred*" and whose "*will to pleasure*" knows no moral controls[936]. The criminal justice system is employed to regulate levels of deviance to a tolerable level. Since faith in rehabilitation is so low, this can only be effected through the management and the incapacitation of those segments of the population that are classified as dangerous[937]. Indeed, the successful identification of individuals who are likely to participate in behaviour that will repeatedly threaten the legal and civil order has been elevated to the prime task of the penal system. Under the assumptions of this actuarial "*new penology*", even measures such as probation and parole are rationalised as cost-effective methods of long-term supervision over dangerous offenders[938]. Hudson especially notes how probation reports now amount to little more than a calculated assessment of their subject's likelihood

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[931] Home Office (1997), *op.cit.*, pp.19-22; Crime and Disorder Act 1998, s.73.
[932] s. 73 (2).
[933] Home Office (1997), *op.cit.*, pp.12-3; s.34, Crime and Disorder Act 1998. Prior to the legislative abolition of the doli incapax, the judiciary had pointed out the need for review of the law on this issue. In *C v DPP* [1995] 2 Cr. App. R. 166 Lord Jauncey of Tullichettle had contended that the presumption was an "*affront to common sense*"; see also *In Div Ct* [1994] Crim. L. R. 523.
[934] The provision in the United States Violent Crime Control And Law Enforcement Act 1994 that violent offenders as young as thirteen and fourteen will be prosecuted and punished as adults appears to rest on a similar assumption: Walker, *op.cit.*
[935] Bauman (1997), *op.cit.*, p.42; Young (1999), *op.cit.*
[936] Garland (1997), *op.cit.*
[937] Feeley, M.M. and Simon, J. *The New Penology: Notes on the Emerging Strategy of Corrections and its Implications* in Henry and Einstadter, op.cit., pp.451-66;

of reoffending[939]. According to Lianos and Douglas, this tendency to analyse individuals and geographical areas according to their potential for dangerousness has also entered the mindset of individual citizens, as a result of the omnipresent probability of criminal victimisation in postmodern society[940].

This desire to exclude from social life those likely to engage in dangerous acts also underlies a range of state policies on both sides of the Atlantic that targeted the behaviour of unpopular groups or individuals. Embodied within the 1994 Criminal Justice and Public Order Act were a series of measures that were inimical to the interests of gypsies, asylum-seekers, ravers and New Age travellers; while, during the same period, Major urged a more rigorous application of the 1824 Vagrancy Act against beggars[941]. The heightened public awareness of increasing levels of violent sexual offending led to the introduction in 1997 of the Sex Offenders Act. This stipulated that individuals previously convicted or cautioned for a sexual offence were required to notify the police of their address, so that a register could be kept[942]. Similarly, in the United States, a variety of techniques have been developed to curtail the rights of individuals considered as noxious, such as beggars, prostitutes, drug-addicts and the homeless[943]. The application of these techniques intensified, particularly after the concept of "*zero tolerance*" towards deviance appeared to have been applied successfully to reduce the

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[938] Feeley and Simon, *op.cit.*.

[939] Hudson, *op.cit.*, pp.154-5.

[940] Lianos, M. and Douglas, M. *Dangerization and the End of Deviance Brit. J. Crim.* 40 (2000) 261.

[941] ss.61-80. Von Hirsch and Ashworth, *op.cit.*; Muncie, *op.cit.*, p.229. The Anti-Social Behaviour Order, introduced by s.1 of the 1998 Crime and Disorder Act, could also be targeted on unpopular individuals. On the application of the local council or a chief officer of police, those engaging in behaviour that caused or was likely to cause harassment, alarm or distress to others, could be required to abide by prohibitions considered necessary in the interests of public protection from further anti-social acts. The introduction of the Order was criticised for giving local authorities unlimited discretion to pass potentially draconian and disproportionate penalties on unpopular citizens and thus exacerbate their isolation. cf. Ashworth, A., Gardner, J., Morgan, R., Smith, A.T.H., Von Hirsch, A., Wasik, M. *Neighbouring on the Oppressive: the Government's "Anti-Social Behaviour Order" Proposals* Criminal Justice 16 no.1 February 1998, p.7.

[942] Laws requiring the public notification of the identities of sex offenders were also passed in the United States: Garland (2001), *op.cit.*, p.9. In respect to sex offenders, however, it needs to be noted that, during the 1990s a variety of rehabilitation programs were also developed in prisons across Britain; though positive proof of their effectiveness remains elusive: Player, E. *Treatment for Sex Offenders: A Cautionary Note* Prison Service Journal [1992] Issue 85.

murder rates in cities such as New York[944]; though Bowling has illustrated that the changes in policing were only partially responsible for this reduction[945]. The police in Britain also pursued limited experiments of "zero tolerance" tactics[946].

The heightened frequency with which dangerous, severely disturbed offenders are depicted in the films released during the 1990s can be adduced as further evidence of the contemporary alarm over the ubiquity of serious crime. The acknowledgement within advanced Western societies that everyone possesses the inclination to deviate has already been referred to. In the cinematic output of this era, this approach is stretched to its extreme; it is repeatedly illustrated that deviance and abnormality are so widespread that one can never safely conclude, in relation to a specific character, that he does not harbour disturbed homicidal tendencies. Indeed, the narratives of many films produced during the 1990s play precisely upon this anxiety: that unknown people one is likely to encounter in the ordinary course of events, can turn out to be highly dangerous[947]. It has already been seen that contemporary citizens seek to gauge the menace posed by each individual with whom they interact[948]. The films seem to warn that this analysis is never foolproof.

Accordingly, the demographic pool, from which disturbed cinematic offenders are drawn, has substantially widened. Before the 1990s, only a singular instance of a female offender suffering from severe mental disturbance had been encountered[949], but in the films of the 1990s, such cases abound. By way of example, in *Single White Female*, young professional Allison's (Bridget Fonda) quest for a flatmate appears to reach a satisfactory

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[943] Young (1999), *op.cit.*, p.123; Davis (1998), *op.cit.*.
[944] Taylor, *op.cit.*.
[945] Bowling argued that the success story in New York was "oversimplified and over-sold". The reduction in murder rates could be principally linked to the contraction of the cocaine market in ghetto neighbourhoods: cf. Bowling, *op.cit.*
[946] In King's Cross, London, Middlesborough and Glasgow: cf. Muncie, *op.cit.*, p.237.
[947] In *The Crush (1993, U.S., A.Shapiro,)*, the murderous, mentally disturbed offender is the landlord's daughter; in *Single White Female,* the flatmate. This kind of narrative can also be found in films outside the field of this study. In *Pacific Heights (J.Schlesinger, U.S., 1990),*, the menacing, uncontrollable offender is the new tenant; in *The Hand That Rocks the Cradle (C.Hanson, U.S., 1992)*, the freshly employed nanny.
[948] See above, the "dangerization" theory by Lianos and Douglas.

conclusion, when Hedra (Jennifer Jason Lee) replies to her advertisement. After settling in, however, Hedra gradually begins to display signs of deeply disturbed behaviour. She seeks to disrupt, by covert means, Allison's reunion with her former boyfriend. She also transforms her appearance, so that she resembles Allison as closely as possible. By the end of the film, Hydra has murdered Allison's boyfriend as well as her boss, and has attempted to kill both Allison and a sympathetic neighbour. It is ultimately revealed that Hedra never recovered psychologically from the fact that her twin sister was stillborn and that she has always blamed herself for this tragic event.

Filmmakers hitherto have been reluctant to depict juveniles as mentally disturbed murderers. This trend is decidedly reversed in the 1990s films. In *The Crush*, an intellectually gifted 14-year old girl develops an intemperate infatuation with an older man who rents the guesthouse on her parents' estate. Once her advances are rejected, she attempts to murder the tenant's girlfriend, and subsequently, the tenant himself. In the final scenes of the film, it is revealed that the girl had in the past developed a similar obsession with her camp counsellor, whom she had fatally poisoned[950]. In *Scream,* Billy (Skeet Ulrich) and Stu (Matthew Lillard), two high school students, commit a series of particularly brutal murders. Initially, it appears that the horror films they have repeatedly watched have unduly influenced them[951]. However, the characters stress that "*movies don't create psychos; movies make psychos more creative*". It transpires that Billy seeks to avenge by these murders the dissolution of his family. His first victim, a few years earlier, had been a woman[952] who had an extramarital affair with his father that led to the painful separation of his parents. Nonetheless, many of the murders Billy subsequently commits are unrelated to this incident. Stu's own motivations remain to the end unclear; at one point, he jokingly offers "*peer pressure*" as an explanation. It is perhaps intended that an adequate explanation of these

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[949] *Play Misty for Me.* See above, Ch. III **a.)**, **e.)**.
[950] See also *Heavenly Creatures*
[951] One of these films, *Friday The 13th Part II*, has already been examined in this study. See Ch.IV, **b.)**.
[952] The protagonist Sidney's mother.

offenders' behaviour cannot be found. It is repeatedly emphasised in *Scream* that "*in the millennium, motives are incidental*"[953].

It is also significant that, in *Scream*, a general societal awareness of the fact that juvenile offenders are now involved in highly serious forms of criminal behaviour is evidenced. When asked if the horrific murders of two high school students could have been committed by their peers, the local police chief replies: "*Twenty years ago, I would have said, not a chance. But these kids today...*"

The expansion of the demographic pool, from which cinematic mentally disturbed offenders are drawn, is related to the observation that, in the 1990s films, the distance between severely disordered behaviour and normality has been substantially narrowed. In certain films produced during the 1990s, the offender's behaviour is at the beginning of the narrative, to all intents and purposes, *normal*. He has a stable employment career and enjoys ordinary relationships with other members of society. Events that unfold *during the film* initiate his slide into mental disorder. These instances can be sharply contrasted with the portrayal of mentally disordered murderers in the "vigilante" films of the 1970s (*Dirty Harry*, *The Enforcer*), where the audience could conclude from the first glimpse of the character in question that he was seriously disturbed.

In *Shallow Grave*, three friends discover that their mysterious new flatmate has abruptly died; next to him lies a suitcase full of money. Tempted, they resolve to clandestinely bury the corpse and keep the money. David (Christopher Eccleston), the young, reserved accountant, is initially the more reluctant to execute this scheme. However, by the luck of the draw, he is assigned with the gruesome mutilation and burial of the corpse. This experience traumatises him to such a degree that he grows obsessively attached to the proceeds of their crime. Incapable of trusting the others, he moves to the loft of their apartment and hides the money therein. He also murders the two criminal associates of the dead flatmate who come in search of it, and proceeds to bury them in the same manner.

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[953] The two murderers, both ardent fans of horror films, also appreciate that "*it's scarier without a motive*".

In *The Last Supper*, Luke, an intelligent law student belonging to the liberal group, grows gradually obsessed with the murders he and his friends commit. He impatiently refuses to give prospective victims an opportunity to express their views. While the majority of the group is in the next room, he takes it upon himself to fatally stab a Puritan woman who declines the poisoned wine. He also murders the sympathetic sheriff who comes on the students' trail. In the final scene of the film, Luke even threatens to kill a fellow group member[954].

The thin line between normality and severely disordered behaviour is also demonstrated by the fact that, in the 1990s films, more commonly than in motion pictures produced in earlier eras, the audience is invited to identify -to a certain extent- with the disturbed murderer's motivations. The offender's obsessions are often shared with the wider public; he merely stretches them to a socially harmful extreme. In *To Die For*, it is the contemporary obsession with fame that motivates weather presenter Suzanne Stone to have her husband murdered. Suzanne is convinced that "*you're not anyone, unless you're on TV*". She views her husband, a content restaurant owner who wants to raise a large family, as an insurmountable obstacle to her achieving celebrity status. Even when the police apprehend Suzanne for the murder, she is cheered by the prospect of possessing a media "*exclusive*" over the crime[955].

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[954] In other films produced during the 1990s, the mentally disturbed offender's behaviour, including his relationship with other members of society, gives initially the false impression of being well adjusted; the offender is capable of adequately concealing his psychologically disturbed state. The two popular high-school students in *Scream* are such instances. In *Killing Zoe*, Zed (Eric Stoltz), a young American, travels to Paris, in order to assist in the perpetration of a bank robbery planned by childhood French friend Eric (Jean-Hugues Anglade). Eric is initially portrayed as an uninhibited but generally amiable character; during the execution of the robbery, however, his psychotic nature is fully revealed. He indiscriminately shoots with a machine gun at the staff and the clientele of the bank, in spite of Zed's protests. "*Not one of you is worth as much as this bar of gold*", he comments.

[955] *Heavenly Creatures* is a more complicated case. This film portrays the intense friendship between 14-year olds Pauline (Melanie Lynskey) and Juliet. The two schoolgirls construct an imaginary Utopia of their own –the "*Fourth World*"-, which is based on their various artistic endeavours. Their fascination with murder is evidenced in the novel the pair is writing; Pauline's favourite character is child murderer Diano, who killed 57 people, before reaching his tenth birthday. The two girls' perception of reality is gradually blurred by their unerring belief in the existence of the "Fourth World"; they address themselves as novel characters "*Charles*" and "*Deborah*". Yet, in Pauline's words, they are convinced that "*it's everyone else who's bonkers*"; she also laments that other people "*cannot appreciate our genius*". Meanwhile, both sets of parents seek to drive a wedge between the two friends, as they consider their relationship to be "*unhealthy*". Pauline, somewhat arbitrarily, concludes

With the exception of Luke in *The Last Supper*, who ultimately comes to acknowledge the falsehood of his actions, the mentally disturbed offenders discussed above are portrayed as *irredeemable*. This ties in with the lack of confidence displayed towards psychiatric methods in the 1990s films; a similar lack of confidence had also been observed in the films of the 1970s that dealt with mentally disordered offenders[956]. The entrenched depravity of mentally disturbed offenders in cinematic representations appears to justify the exclusionary, incapacitating methods of dealing with habitual and serious criminal offenders pursued in both Britain and the United States during this period.

As mentioned above[957], in *Natural Born Killers*, the psychiatrist who visits Mickey and Mallory in prison makes a thoroughly erroneous diagnosis. Furthermore, he incorrectly concludes that Mallory has never suffered from abuse. In *Heavenly Creatures*, an unhelpful session between Pauline and a psychiatrist is depicted. The psychiatrist, employing conspicuously unsophisticated methods, reaches the conclusion that Pauline's "*unwholesome attachment*" to Juliet can be explained by her homosexuality. At the point he makes this assessment, however, the statement is demonstrably false; on the contrary, Pauline has recently been awakened sexually by an affair with one of her parents' male boarders. Within the film, the credibility of the psychiatrist is further reduced, when he brands homosexuality a "*mental disorder*" and articulates the expectation that the progressing medical science will discover its cure. In *The Crush*, the 14-year old girl who develops dangerous infatuations for older men is sentenced to a psychiatric institution. The failure of the staff to make inroads towards curing her mental disorder is confirmed by the fact that she has now developed a similar "*crush*" on her psychiatrist.

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that her own mother is the "*main obstacle in* [their] *path*"; in reality, it is Juliet's father who seems the more determined to separate the two girls. Pauline resolves, along with Juliet, to murder her mother. While doing so, Pauline fantasises in incurably romantic terms that Juliet is bidding her farewell from the deck of a sailing ship. It is argued that the offenders' motivation for the murder is not romantic love, though an erotic relationship between them undoubtedly exists, from one point onwards. It is rather the adolescent inclination to resort to an imaginary world that the pair stretches to an unacceptable extreme.

[956] See Ch. III, **a.)**.

[957] See Ch.V, **b.)**, **ii.)**.

The distrust of psychiatric methods is most evidently displayed in *Primal Fear*. In this film Aaron (Ed Norton), an orphaned altar boy, is strongly suspected for the murder of the archbishop who had sexually abused him. Aaron appears to be suffering from a "*multiple personality disorder*". When provoked, he metamorphosises into "*Roy*", an aggressive murderous personality; Aaron seems incapable of remembering, let alone controlling Roy's actions. Both the defending lawyer and the psychiatrist he has employed are convinced that Aaron murdered the archbishop while in that state. At the end of the film, however, it is revealed that Aaron was the whole time pretending in order to receive a lenient psychiatric sentence: he committed the murder while fully cognisant. The credibility of the psychiatric profession is further diminished by the fact that its practitioners have now been reduced to vesting with a scientific cloak the *conflicting* claims made in court by rival legal teams. "*My psychiatrist will crush you*", the prosecuting lawyer warns the defence at an initial stage of Aaron's trial.

Finally, it is worth noting that, for the first time in this study, in a film produced during the 1990s, the behaviour of a dangerous, mentally disturbed offender is depicted in nearly *positive* terms. In *Butterfly Kiss*, Eunice (Amanda Plummer), an alienated, young drifter commits a series of murders along the motorways of Northern England. Miriam, the narrator, is a timid, lonely shop assistant who grows romantically attached to Eunice; at a later stage, she even commits a murder herself. Throughout the film, Miriam, in a series of straight-to-camera statements, refrains from condemning Eunice's behaviour. She argues that "*the things [Eunice] did, everyone wants to do them, really... Everyone wants to pull the emergency brake on the train, everyone wants to break the glass in the fire alarm*"; the difference being that Eunice "*did it...she wasn't scared*".

d.) Race and the Underclass

The existence of an underclass was openly acknowledged in many European countries, including Britain and France, during this period[958].

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[958] cf. MacDonald, R.(ed.) *Youth, "the Underclass" and Social Exclusion* London: Routledge 1997; Wacquant, L.J.D. *Red Belt, Black Belt: Racial Division, Class Inequality and the State*

However, in Britain, it was stressed that the defining characteristic of those belonging to the underclass was not their membership of a racial minority, as in the United States, but their *age*[959]. Attention was directed at the young poor, the "*triple failures*", who had proved unsuccessful in their academic career, had not found employment after school and were still unable to do so after being subjected to a variety of government schemes and programmes[960].

The catalytic event that brought the issue of the underclass to the centre of political discussion in both United States and Britain were the large-scale riots that erupted in the ghetto neighbourhoods of Los Angeles in May 1992. The rioting began immediately after the acquittal of three white policemen over their allegedly unprovoked assault on black criminal suspect Rodney King. The savage assault had been captured on camera and was repeatedly televised across the world at the stage of the trial, thus magnifying feelings of injustice[961].

However, in spite of attracting political attention to the issue, the financial and social position of the underclass admittedly worsened during this period. In the first place, the structural trends that, in Wilson's view, led to the creation and growth of the underclass, such as increasing globalisation, automisation, and the institutional isolation of ghetto neighbourhoods, persisted in the 1990s. It was particularly noted that, due to the shrinking demand for unskilled labour, as well as cutbacks in welfare assistance, the disadvantaged position of those belonging to the lowest social strata remained unaffected by occasional upturns in the economy[962].

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in the French Urban Periphery and the American Ghetto in Mingione, E. (ed.) *Urban Poverty and the Underclass: A Reader* Oxford: Blackwell Publishers 1996.

[959] MacDonald, *op.cit.*, *Editor's Introduction*, pp. 3-7. Marwick argues that in Britain, by the mid-1990s, a satisfactory level of racial integration had been reached. cf. Marwick, *op.cit.*, p.457. However, the police were accused of bungling the investigation that followed the allegedly racially motivated murder of Stephen Lawrence on 22nd April 1993. A public inquiry was launched in 1997 that resulted in the publication of the Macpherson report two years later. Macpherson, W. *The Stephen Lawrence Inquiry* Stationery Office Limited 1999.

[960] Craine, S. *The "Black Magic Roundabout": Cyclical Transitions, Social Exclusion and Alternative Careers* in MacDonald, op.cit., pp.130-52.

[961] Forty-six people were killed during the riots and 2,116 injured. 5,273 buildings were destroyed. More than 600 million dollars worth of damage was caused. In order to quell the disturbance, President Bush sent out 6,000 national guards and 1,000 federal law officers: Morrison, *op.cit.*, pp. 443-8.

[962] Gans, H.J. *From "Underclass" to "Undercaste": Some Observations About the Future of the Post-Industrial Economy and its Major Victims* in Mingione, op.cit., pp.141-52; Davies (1998), *op.cit.*, pp.301-4.

Sociologists highlighted, in particular, the segregation of ghetto residents from mainstream society. It was remarked that financial establishments such as banks and stores had fled from disadvantaged neighbourhoods, in view of the high criminal rates of these areas, as well as the ghetto residents' dwindling spending capital. Furthermore, the behaviour of young residents of disadvantaged neighbourhoods was closely monitored when they visited more privileged areas. Even public facilities in these neighbourhoods, when existent, operated with major difficulties: schools, in particular, were overcrowded, staffed with demoralised teachers and plagued by gang violence[963].

Secondly, as mentioned above, in spite of their ostensibly social democratic agenda, both the Blair government in Britain and the Clinton administration in the United States proved reluctant to pursue welfare programs that would minimise the hardship of the poor. On the contrary, it was observed that social stigma was gradually and subtly attached to the receipt of welfare assistance[964]. This is particularly evident in the case of single mothers. Clinton was reported to argue that Murray was "*essentially right*" in his damning view of illegitimacy[965]. He allowed states to choose how they would distribute their welfare grants. By 1997, twenty-one states had adopted policies that denied increased benefits to women who had more children while on welfare. States often preferred to shift their funds to public orphanages[966]. In Britain, cuts in benefits to single mothers were announced a few months after the Labour Government rose to power[967]. According to Luker, the scapegoating of single mothers only served to cloak the manner in which poverty and inequality were structured into the core of contemporary society[968]. This view is consistent with Baggauley and Mann's analysis that theories on the underclass are, in effect, blaming the victims of state policies that exacerbate social injustice. According to them, the whole concept of the underclass has been designed to create an ideological distance between

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[963] In many schools, metal detectors were introduced. cf. Davies (1998), *op.cit.*, p.381; Feeley and Simon, *op.cit.*, p.464.
[964] Bauman (1997), *op.cit.*, pp.47-61.
[965] MacDonald, *op.cit.*, pp.3-7.
[966] Ibid.; Bauman (1997), *op.cit.*, pp. 44-5.
[967] Rowbotham, *op.cit.*, p.554.

different sections of the working class and prevent comprehensive programs of change[969].

Due to chronic unemployment and poverty, underclass citizens were by necessity excluded from the consumer mania that, as detailed above[970], characterises postmodern society. According to Bauman, a large number of them located a substitute for the ecstasy of consumerism in their use of illegal drugs. Alternatively, they sought to buy their way into the consumer race through participating in organised and property crime[971]. As a result, they often found themselves at the receiving end of the "*tough*", incarcerating penal measures that compounded their social isolation[972]. It was not coincidental that citizens of Afro-Caribbean descent were disproportionately represented in the prison population of both Britain and the United States[973]. The ghetto neighbourhoods themselves suffered from the proliferation of drug-dealing street gangs and the widespread incidence of violent crime[974].

Given the adverse living circumstances of underclass citizens, academic theorists debated whether the classical assumption of a criminal offender possessing free will when committing a criminal offence could prove misleading in their case. It was put forward that the choice of ghetto-dwellers in avoiding criminal behaviour was severely constrained, and therefore, when they actually resorted to crime, they should be considered as less culpable

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[968] cf. Luker, K. *Dubious Conceptions: The Politics of Teenage Pregnancy* Cambridge, Mass.: Harvard University Press 1996.

[969] Bagguley, P. and Mann, K. *Idle Thieving Bastards? Scholarly Representations of the "Underclass"* Work, Employment and Society Vol.6, No.1; MacDonald, R. *Youth, Social Exclusion and the Millenium* in MacDonald, op.cit., pp.167-197; Morrison, *op.cit.*, pp.433-6.

[970] See above, Ch.V, **b.), ii.)** .

[971] Bauman (1997), *op.cit.*, pp.44-5.

[972] It is noted, in particular, how some of these measures, such as the Anti-Social Behaviour Order introduced in Britain by the 1998 Crime and Disorder Act appear to be especially targeted on members of the underclass: see above, Ch.V, **c.)**. Tonry calculates that, since the introduction of tough sentencing measures in the United States, the incarceration rate among black Americans tripled: Tonry, *op.cit.*, p.13.

[973] In Britain in 1995, 11% of all men imprisoned and 20% of women were of Afro-Caribbean descent; while Afro-Caribbeans amounted to less than 1.5% of the British population between 15 and 64 years of age: Cavadino and Dignan, *op.cit.*, pp.274-9. In the United States, in June 1995, African Americans constituted more than half of the prison population, while they amounted to only 12 % of the general American population: Hudson, B.A. *Doing Justice to Difference* in Ashworth, A. and Wasik, M. (eds.) *Fundamentals of Sentencing Theory: Essays in Honour of Andrew von Hirsch* Oxford: Clarendon Press 1998, pp.223-49, p.225. Black offenders were also overrepresented among those convicted of capital punishment in the United States: cf. Hood, *op.cit.*, p.756.

than other offenders. Hudson specifically proposed that a defence of economic incapacity be introduced for this type of criminal offender, as an extension of the criminal law concept that an offender should not be treated as culpable, unless he possessed a "fair opportunity to resist" the act in question. She argued that the criminal law needed to gradually accommodate the idea that choice is a matter of degree, and exists in absolute terms only in legal and philosophic theorisations[975]. An optimistic trend, however, was that from around 1993 and onwards, in cities such as New York, a substantial change in the attitude of young ghetto residents towards crime was perceived, as the latter increasingly turned their back on illegal activity and, in particular, drug dealing[976].

A substantial number of films released during the 1990s focus on the underclass and, specifically, on the social life of ghetto neighbourhoods in American metropolitan cities[977]. The films paint a picture that is largely faithful to the sociological accounts outlined above[978]. These neighbourhoods are invariably depicted as overwhelmed with the undesirable social phenomena that have customarily been associated with the underclass: poverty and unemployment, illegitimacy, social isolation and, above all, the domineering presence of criminal violence[979].

The criminal acts committed by young ghetto males are usually motivated by gang or personal rivalry and they are *inner-directed*: their victims normally reside in the same neighbourhood. In the beginning of *Boyz*

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[974] See also Ch. IV, **d.)**. An increasingly larger proportion of homicides recorded in the metropolitan cities of the United States was related to gang rivalry. Drug-dealing gangs were also encountered in Britain during the 1990s- the "Yardies": cf. Klein, *op.cit.*

[975] Hudson, *op.cit.*, pp.225-44.

[976] Bowling, *op.cit.*

[977] *La Haine* deals with a multiethnic project community in suburban Paris. The young residents of this community appear heavily influenced by American ghetto culture in their choice of language, clothes and music. Also *trainspotting* concentrates on the drug-addict underclass in Edinburgh; *Kids* and *The Basketball Diaries* on the white underclass of New York. The growing number of films focussing on the African-American is related to the rise of black filmmaking, after the success of Spike Lee during the previous decade.

[978] See also Ch. IV, **d.)**.

[979] On the other hand, as in *Do The Right Thing* (see above, Ch.IV, fn. 729), these communities are presented, compared to more affluent areas of the city, as enviably tight-knit. Particularly notable is the degree to which residents of the ghetto are personally acquainted with their neighbours: see, for example, *Jason's Lyric*, *Friday (1995, U.S., F.Gary Gray) Dead Presidents (1995, U.S., A. and A.Hughes)*.

N The Hood, the audience are informed that, according to statistics, one out of twenty-one male African-Americans are murdered during their lifetime; most of them at the hands of another black male. An issue is made out of who among the young men in the neighbourhood possesses the most "*juice*": who has the nerve to eliminate his opponents before they attempt to do the same[980]. The adoption of this form of behaviour is presented as necessary for anyone who wishes to survive within the hostile atmosphere of the ghetto, particularly if he is involved in the drug trade[981].

A strong example of this unthinking adherence to macho attitudes[982] is encountered in *Fresh*, where a drug dealer shoots in cold blood the young boy who humiliates him in a game of basketball. In the opening scene of *Menace II Society*[983], Kevin (Larenz Tate) murders a Korean shopkeeper and his wife, only because he feels they have insulted him by treating him as an unwelcome customer. Subsequently Kevin calls into question the bravery of the protagonist Kaydee (Tyrin Turner), when the latter declines to murder a group of small children. In *Dangerous Minds*, the teacher attracts the attention of her class by exploiting their taste for violence. She gives them Karate lessons and earns their respect by revealing that she was a former Marine: "*a Marine can kill with bare hands*", one of her pupils enthusiastically exclaims. In *La Haine*, the young residents of a French project suburb exhibit a similar fascination with violent behaviour. According to Vinz, possessing a gun is a *"way to get respect"*[984]; in a casual conversation, Vinz and a friend playfully exchange threats about murdering each other: "*I'll waste you for free*".

The intensely antagonistic relations between young residents of these neighbourhoods and the police are also highlighted. In *Set It Off*[985], the police unjustifiably kill the younger brother of one of the protagonists, mistaking

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[980] See the eponymous film *Juice (1992, U.S., E.R.Dickerson).*

[981] See, particularly, *Fresh (1994, U.S., B.Yakin).*

[982] Contemporary theories of criminal behaviour also shed light on the young ghetto males' propensity to adopt pseudomasculine forms of behaviour: see below, Ch.V, **e.)**.

[983] *(1993, U.S., A. and A.Hughes).*

[984] It is interesting that the whole narrative of *La Haine* is propelled by Vinz's seizure of a police gun. In the African-American ghettoes, partly due to liberal gun ownership controls, even very young children have easy access to revolvers. The likelihood that an altercation will result in murder is consequently much higher.

[985] *(1996, U.S., F.Gary Gray)*

him for a criminal suspect. The boy is actually a distinguished high-school student. In *Boyz N The Hood*, two policemen are unreasonably violent towards Tre and his friend during a stop-and-search routine; it is noted that one of the policemen is African-American himself[986]. In *Menace II Society*, the police abuse Kaydee and a friend and subsequently desert them in a Hispanic-dominated neighbourhood, so that they fall into the hands of a rival gang. In *La Haine*, the action takes place during a riot between the young residents of a poor Parisian suburb and the police. Outraged by the brutal treatment a friend of theirs received at the hands of the police, Vinz declares that, if their comatose friend dies, he will reciprocate by murdering a policeman. In one scene, Vinz and his two friends are brought to a police station where they are subjected to torture and racial abuse.

The possible responses to this social environment are depicted as being twofold. In the first place, there are those who have fully assimilated the violent code of conduct prevalent in the ghetto. This can occur from a very early age: Chuckie (Luis Lantigua) in *Fresh* has barely reached puberty, yet he is perpetually worried whether anyone is "*dissing*" him. These characters, like Kevin in *Menace 2 Society*, have become *"America's nightmare: young, black, and didn't give a fuck*"[987]. They are dedicated to defending their disturbed notions of personal honour by any means and display a remarkably callous attitude towards the suffering of others. Kevin boasts that he can "*smoke anybody*". His murder of the Korean shopkeeper and his wife has been captured on closed circuit camera television; Kevin steals the incriminating videotape and repeatedly plays it for his friends.

These characters' violent and nihilist attitude is reinforced by their lack of legitimate future prospects. They exhibit a distinct reluctance to enter into gainful employment. The proceeds earned from the sale of drugs and the occasional robberies of *neighbourhood* stores and houses supplement welfare benefits as their source of income. These robberies are executed with notable

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[986] The hostile attitude of lower and middle-class African-Americans towards their underclass counterparts is frequently depicted: see, for example, *Dangerous Minds*, where the black high school principal wishes to expel a pregnant schoolgirl, worried that others might try to imitate her. See also *Boyz N The Hood*, where a black policeman asserts that the killing of a robber is justified: *"we want less muggers of the streets we have to worry about*".

[987] Other examples include Doughboy (Ice Cube) in *Boyz N The Hood*; Jason's brother in *Jason's Lyric*; and, to a lesser extent, Smoky (Chris Rock) in *Friday*.

ease, given the characters' ready access to weaponry and the fact that property owners in disadvantaged neighbourhoods cannot afford security devices[988]. Furthermore, like Bishop (Tupac Shakur) in *Juice*, they are notably envious of anyone whose gifts and endeavour might facilitate their social ascension. In this film, Bishop tries to pin down the murders he commits on his talented disc-jockey friend Q (Omar Epps).

In many cases, it is intimated that these characters' deviant values have partially been culled from their exposure to violent media, especially film. Bishop, in particular, devotedly watches old crime films on the television; he admires the arch-criminal played by James Cagney in *The Public Enemy* for "*taking his destiny in his own hands*"[989].

The films often contrast the behaviour of this type of character with that of a well-meaning and generally law-abiding friend, who challenges the formers' adherence to a violent code of conduct and wishes to escape from the undesirable environment of the ghetto. Nonetheless, frequently, this either proves impossible or comes at a very heavy price. Towards the end of *Menace II Society*, Kaydee has resolved to abandon his deviant lifestyle and leave along with his girlfriend and their child for Atlanta. However, in the final scene of the film, he is murdered by the cousin of a girl he has impregnated. *"I guess in the end it all catches up with you"*, Kaydee realizes. Similarly, in *Jason's Lyric*, Jason (Allen Payne) fails to realise his dream of fleeing from the ghetto with his girlfriend. She is murdered by his own brother; Jason takes the bus out of the city alone.

In some cases, these law-abiding characters are depicted as being capable of resisting the powerful pressures towards criminality, primarily because they are fortunate to be emotionally attached to individuals who have previously succeeded in doing the same. This is a point explicitly made in *Boyz N The Hood*. When Tre becomes, at a very early age, involved in a classroom brawl, his mother immediately sends him to live with his father Furious (Lawrence Fishburne). Furious dedicates himself to teaching Tre "*how to be responsible*". Socialisation in mainstream values and the learning

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[988] See, in particular, *Friday*, where Deebo (Tom "Tiny" Lister Jr.), a seasoned offender, decides, on the spur of the moment, to break into the neighbouring house in broad daylight.
[989] See also Vinz's imitation of *Taxi Driver*'s Travis Bickle in *La Haine*: above, fn.850.

of self-discipline are presented in this film as the crucial buffer against criminal behaviour in an underclass environment. Furious recounts to his son how he resisted the temptation to participate in a robbery many years ago, because he aimed "*to be somebody* [Tre] *could look up to*". Similarly, in *Fresh*, the protagonist's father warns his son over a chess game "*that the only thing you cannot retrieve is lost time*". In *Menace 2 Society*, Kane explains his involvement in criminality by reference to the deviant lifestyle of his parents: "*instead of keeping me out of trouble, they turned me onto it*". His resolution to abandon his criminal way of life is partially instigated by the caring advice of a well-meaning schoolteacher, who exhorts Kane to "*think about* [his] *life*"; and the repentance of an older criminal friend who, now imprisoned, concedes that "*the way we grew up was bullshit*".

It is repeatedly stressed that underclass youth possess, on the whole, a choice over whether to engage in criminal behaviour, in spite of the disadvantageous circumstances that surround them. Craig (Ice Cube), the protagonist in *Friday*, is lectured to that effect by his father, when the latter discovers a gun in his son's bedroom. In *Dangerous Minds*, the teacher admonishes her pupils that they have the ability to graduate and to stay away from drugs. The films fail to subscribe to Hudson's notion of the ghetto-dwellers' limited freedom of choice.

It becomes obvious from the above that films focussing on the underclass, do not normally share the moral flexibility towards criminal behaviour witnessed in other films of the 1990s. Most of them are unequivocal in condemning crime[990]. Thus *New Jack City*[991] depicts with frankness the emaciated bodies of crack users in a drug clinic, as well as the scores of blind babies to which addicts give birth. This can be contrasted with the recreational view of drug use adopted in films that do not deal with the underclass, such as, for example, *True Romance*. In *Boyz N The Hood*, the

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[990] Though there are exceptions: in *Set It Off*, the behaviour of the bank-robbing female gang is not condemned within the film, though this is partly because it is previously shown that the women have been unjustly treated by their employer (a bank), the police and the justice system: see below, Ch.V, **e.**). This is yet another instance, where the cinematic offenders rationalise their involvement in illegality through a "denial of the victim": for other examples, see above, Ch.V, **b.)**, **ii.)**.

[991] *(1991, U.S., M.Van Peebles).*

political argument is advanced that both drugs and guns were brought into ghetto neighbourhoods by those who wished to perpetuate racial oppression.

The strict position of these films on deviant behaviour owes plenty to the filmmakers' awareness of the extent to which the high incidence of crime has devastated these otherwise tightly knit communities. Even offending characters, like Doughboy in *Boyz N The Hood*, openly acknowledge the gravity of the current situation. In the final scene of the film, he rails against American television broadcasts that express alarm over the "*violent culture*" of certain Third World countries, while pointedly ignoring what is simultaneously occurring in ghetto neighbourhoods. *La Haine* opens and closes with a telling anecdote: a man jumps off the roof of a skyscraper; while he is falling, mid-air, he constantly reassures himself "*so far, so good*". The film draws a blatant analogy between the state of the falling man and the project neighbourhoods of suburban Paris, as well as society in general. In communities where crime has grown into such a pervasive problem, ambivalent moral attitudes towards illegal behaviour and favourable representations of criminal offenders are considered as an undesired luxury.

e.) Gender

Both Blair and Clinton declared their commitment to the achievement of full equality between the sexes[992]. The increasing number of women elected in administrative posts in both countries during this period confirmed advances made in this field[993]. Furthermore, it was highly significant that discrepancies between the pay levels of men and women, particularly in the case of young skilled professional employees, had nearly evaporated[994].

The association between gender and crime, neglected by male criminologists for many years, was now regularly discussed, with a number of university courses, articles and books in both Britain and the United States

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[992] Blair, *op.cit.*, p.151; Rowbotham, *op.cit,*. pp.549-50.

[993] One hundred and nineteen women were elected in the House of Commons in the 1997 elections; five of them were made Cabinet ministers. After the 1992 elections, a record number of fifty-three women were in the United States Congress. During his tenure in office, Clinton also appointed several women to important administrative positions, such as the Secretary of State Madeleine Albright. Boyer *et al.*, *op.cit.*, p.737; Rowbotham, *op.cit.*, pp.549-50.

[994] However, discrimination in pay levels increased in the higher echelons and in low-skilled work: *Ibid.*, p.559-560.

devoted to the subject[995]. The analytic investigation of this issue, and the realisation that, in spite of theories of gradual convergence between the crime rates of the two sexes, the majority of offences were still committed by males, led to the development of "*masculinity*" theories. Researchers began to shed light upon the problematic qualities of masculine behaviour, which were called upon to account for the predominance of males in criminal statistics. Messerschmidt illustrated how lower-class juveniles produced a specific configuration of behaviour that enabled them to be seen as "*essentially male*" by their peers. Features of this behaviour included the victimisation of members of sexual and racial minorities[996]. Gibbs and Merighi argued that young black men developed a pseudo-masculine behaviour to overcompensate for their feelings of racial and sexual inferiority, themselves engendered by their marginal position in the social structure[997].

The growth of research on the association between gender and crime also pointed out that universal theories of female crime overlooked the fact that the involvement of women in illegal behaviour varied widely according to their position in the social structure[998]. Black and underclass women were disproportionately represented in the crime and imprisonment statistics[999]. Their vulnerable economic position was often exacerbated by the series of cuts in welfare benefits enforced by governments on both sides of the Atlantic[1000]: the demonisation of single mothers, initiated by conservative theorists such as Murray, was now executed on the level of government policy[1001].

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[995] *Women and Criminal Justice*: cf. Heidensohn (1996), *op.cit.*, pp.i-xiv. Heidensohn also notes favourably that research projects devoted to the study of male criminal behaviour acknowledged that they were inapplicable to women.

[996] Messerschmidt, J.W. *Schooling, Masculinity and Youth Crime* in Newburn, T. and Stanko, E.A. (eds.) *Just Boys Doing Business: Men, Masculinities and Crime* London: Routledge 1996, pp.81-99.

[997] Gibbs, J.T. and Merighi, J.R. *Young Black Males: Marginality, Masculinity and Criminality* in *Ibid.*, pp.64-80.

[998] Heidensohn (1996), *op.cit.*, p.204.

[999] Black women formed a higher proportion of all incarcerated women than their male counterparts: Simpson, S.S. *Caste, Class and Violent Crime: Explaining Differences in Female Offending* in Henry and Einstadter, *op.cit.*, pp.386-99; see also above, fn.972.

[1000] Rowbotham, *op.cit.*, pp.550-5.

[1001] See above, Ch.V, **d.)**.

The films released during the 1990s largely refuse to draw a distinction between the criminal behaviour of the two sexes. Women are depicted as being equally inclined to employ murderous violence as men. The case of Mallory in *Natural Born Killers* has already been discussed; the enthusiasm with which a female member of Nino's gang murders a rival in *New Jack City* communicates the same menace[1002]. As elaborated above[1003], many of the dangerous psychopathic offenders focussed upon in the films of this period are female; and, according to the films, women are equally likely as men to exhibit, through their behaviour, the loosening of normative inhibitions against criminal behaviour that characterises cinematic offenders during this period[1004].

However, beneath this assimilating surface, certain stereotypical views of female behaviour persist. For example, a woman, less dependable and more easily scared than her male accomplice, is more likely to collapse in the middle of a criminal venture that goes awry. This is the reaction of Honeybunny in *Pulp Fiction*, when she and her boyfriend stumble upon two seasoned criminals, while robbing the customers of a restaurant. A woman is also more likely to exploit her sexuality in the commission of a criminal offence. Examples abound: the drug-addict sister of the protagonist in *Fresh* maintains her habit by living with a drug seller; the television presenter in *To Die For* sleeps with the juvenile student, in order to convince him to murder her husband[1005]. Finally, in many cases, female offenders are still guided by what have traditionally been viewed as feminine concerns[1006]. In *Set it Off*, four young underclass women establish a bank-robbing gang, considering themselves to be more capable than their "*crackhead*" male neighbours who do the same. It is observed that three of them elect to engage in criminal

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[1002] Also in *Small Faces*, the female members of the "*Tongs*'" gang are briefly pictured. Equally willing to resort to violent methods of dealing with rival gang members, the girls are, however, excluded from an organised gang fight.

[1003] See Ch.V, **c.)**.

[1004] See above, **b.)**, **ii.)**.

[1005] In *Shallow Grave*, the female protagonist uses her allure to ingratiate herself with each of her two male flatmates in turn, provided that they can guarantee her a share of the money in the suitcase. In *Nikita (1990, Fr./It., L.Besson)*, the protagonist is characterised at first by her wholly unfeminine behaviour. A vicious, amoral murderer, Nikita (Anne Parillaud) is retrained as a government assassin. A significant portion of her training is dedicated to her transformation into a seductive woman, who can exploit her sexuality.

[1006] See also Ch.III., **e.)**.

behaviour for personal reasons: one wishes to avenge the bank manager who sacked her; another the policemen who unjustifiably killed her younger brother; the third wants to regain custody of her child. Only Cleo's (Queen Latifah) participation in the criminal venture, and her heightened penchant for violence, is not accounted for in this manner. This is not unrelated to the fact that her behaviour, on the whole, is untypically masculine; not coincidentally, it is also established within the film that she is a lesbian. In this way the film draws an explicit connection between masculinity and violent crime.

Set It Off is the only film examined in this study that focuses exclusively on the criminal behaviour of underclass women[1007]. In the remainder of films that deal with the underclass, the criminality of women is placed in the background. Frequently, as in *trainspotting*, *Fresh*, *The Basketball Diaries*, it consists of drug-related offences[1008]. There are also instances, however, in which underclass women, represented as more mature than their male companions, exhibit a strong antipathy towards the criminal values that permeate their neighbourhoods. In *Jason's Lyric*, the Jason's girlfriend refuses to go out with him on a date, till she is reassured he is uninvolved in illegal behaviour. In *Menace 2 Society*, the mother of Kane's child warns him that he "*needs to do something with* [him]*self*", before he ends up like his incarcerated friend. Both women plan to flee from the ghetto; they seek to persuade their companions to come along and leave the unsavoury atmosphere of their neighbourhood behind.

f.) Conclusion

In the previous chapter, it was elaborated how the fragmentation of Western culture, initiated by the emergence of the counterculture and clearly observable by the 1970s, led to the overwhelming emphasis placed on

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[1007] The criminal behaviour of ghetto girl gangs is depicted in *Ma Vida Loca*; however, this film did not prove sufficiently popular to be included in this study. During the 1990s, a series of highly publicised incidents, such as the assault and robbery of British actress Liz Hurley in November 1994 alerted the media to the presence of girl gangs on both sides of the Atlantic: Rowbotham, *op.cit.*, pp.550-5.

[1008] Criminological research during the 1990s illustrated that drug offences were the only types of crime for which an equal proportion of women and men received a custodial sentence in Britain. Women's sentences even tended to be longer: cf. Heddermann, C. and Hough, M. *Does the Criminal Justice System Treat Men and Women Differently?* Home Office Research Findings, no.10 1994.

individualism in both Britain and the United States during the 1980s. In this chapter, it is shown that the predominance of this individualist perspective has brought about an *estrangement* between members of society. The pervasive conviction that most people's actions are guided not by considerations of morality, but by their overwhelming quest for self-gratification, characterises social attitudes during this period. This conviction readily translates into a refusal to trust the motivations and intentions of all other members of society, criminal and non-criminal alike.

This distrust is repeatedly witnessed in the films discussed in this chapter. Specifically, in the films discussed under section **a.),** a refusal to trust that parents want the good of their children and will stop short from causing them severe trauma, in order to serve their -usually sexual- interests is perceived. A refusal to trust that the criminal justice authorities will deliver equitable treatment; and a refusal to trust that those who passionately campaign for political change honestly desire a positive and effective transformation of society are evidenced in the films discussed under section **b.)**. Most poignantly, a refusal to trust that unknown people, one comes across in the ordinary course of life, are kind and harmless is rendered explicit in section **c.).** Combined, these findings paint a resonant picture of what happens to a society, where it is openly advocated that its members give primacy to their own interests, above any moral considerations.

Conclusions- General Trends

It is time to recapitulate the principal findings from this research into the cinematic representations of the causes of crime. An initial point that needs to be made is that, on the whole, this thesis revealed a broad concordance between the assumptions underlying the cinematic representations of the causes of crime and contemporary socio-criminological developments. This was partly to be expected, as filmmakers of any given era cannot avoid being influenced by their wider cultural environment[1009].

i.) The Growing Emphasis on Positive Explanations of Crime

Explanations of criminal behaviour in the films are rarely simple and one-dimensional. The transgressing behaviour of the protagonists is usually attributed to a synthesis of causal factors. This reliance on a combination of factors remains unchanged throughout the period covered by this study, though the nature of the synthesis itself is significantly transformed.

Very frequently, this synthesis embodies at the same time both *positive* and *negative* explanations of the behaviour in question. The former term refers to occasions where crime is depicted as springing from motivations presented as acceptable or even laudable. An already discussed example is that of Christopher Boyce in *Falcon and the Snowman*; he decides to undermine CIA activities, once he learns first hand of its support for undemocratic regimes across the world[1010]. *Negative* explanations of crime occur, when the filmmakers account for offending behaviour by reference to a certain individual or social disorder. During the period that this research covers, a significant trend is detected. As time passes, positive explanations of crime are encountered more frequently in the films examined. Even when they coexist with the negative, a substantially heavier emphasis is

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[1009] As stated in the Introduction, it is very likely that media representations, apart from reflecting social and cultural attitudes towards crime, also contribute to their creation: see the Introduction.

[1010] See Ch. IV, **c.), i.)**.

progressively laid upon the former. The findings confirm the initial suspicion, set out in the Introduction to this thesis, that crime is increasingly presented in the films as normal and understandable behaviour, springing from normal, non-pathological motivations[1011]. A normalisation of crime is on the whole[1012] evidenced over the period studied.

ii.) The Emphasis on the Criminal Offender's Free Will

Another general issue, to which the Introduction to the thesis has already alluded, is whether the films examined depict criminal activity as being the result of the offenders' relatively unencumbered choice, or whether they suggest that his behaviour has been predetermined by factors outside his control. It is observed that a deterministic conception of human behaviour is put forward principally in certain films of the 1950s that highlight the deleterious influence of the offender's emotionally deficient familial background. As the years pass, the offender's *free choice* in engaging in illegal behaviour is increasingly stressed; this coincides with the decline in the popularity of positivist explanations of crime in criminological circles. This trend is particularly apparent in the films released during the 1980s, which were characterised by their general insistence on the supremacy of individual choice. A series of films released during the 1990s that concentrate upon serious criminal offenders, often depict them as irredeemable, yet the filmmakers shy away from explicitly stating that their behaviour has been in some manner determined by forces or influences beyond the control of the perpetrator.

iii.) The Continuing Significance of the Family

After these wider observations, it is time to proceed to the analysis of long-term trends in the representations of *specific* causes of crime. In the first place, it is perceived that the offender's familial background, presented in the films of the 1950s as the root cause of the psychological disorders that led to the adoption of deviance, is still associated in contemporary films with the genesis of criminal behaviour. However, in the films released in later

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[1011] See the Introduction.
[1012] See, however, below, **ix.)**.

decades, familial dysfunctions are rarely portrayed as directing the offender's behaviour in a deterministic manner. They are rather depicted as *facilitating* the offender's choice to embrace criminality. For example, in a broken home, his deviant behaviour is more likely to go unchecked; or, alternatively, an offender's strained relations with his parents might serve to further neutralise his inhibitions against conducting himself in a manner that would embarrass them. Deterministic accounts of criminal behaviour resurface to an extent in some of the films released during the 1990s, where criminal offenders are depicted as being raised in severely disturbed domestic environments. Such is the psychological trauma that these offenders have suffered in these extreme circumstances, that it is doubtful whether they can be presumed to possess control over their contemporaneous or subsequent inclination to deviate.

iv.) The Distrust towards Psychiatry and Rehabilitation

This brings us to the next question: how the films deal with offenders suffering from a serious and visible psychological illness. From the 1970s and onwards, two parallel trends are detected in the films examined: an increasingly frequent depiction of dangerous psychopathic criminals, coupled with a potent distrust towards the methods and the effectiveness of the science of psychiatry. Partly because of this distrust, an unwillingness or incapacity to adequately account for the genesis of grossly deviant psychopathic behaviour is perceived. It is revealing that, in most cases, such behaviour is presented as incurable and the incarceration and, more frequently, the extermination of psychopathic characters are presented as the only means of controlling it. This can be contrasted to the approach of films released during the 1950s, such as *The Sleeping Tiger*, where a psychiatrist was depicted as capable of bearing upon an offender's psyche to such a degree, that the latter conclusively abandoned his serious criminal behaviour[1013]. Earlier optimism about the malleability of human behaviour, as well as the effectiveness of rehabilitative efforts, has faded. This is also

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[1013] See Ch. I, **a.)**.

mirrored in developments in criminological theory and contemporary criminal justice policy.

v.) The Growing Interest in Underclass Poverty

Less attention was paid to the possible association between financial deprivation and crime, after the arrival of widespread affluence in the Western societies of the mid-1950s. However, it should not be overlooked that, throughout the period that this research covers, the majority of depicted offenders are financially disadvantaged and, on certain occasions, their freedom of action is illustrated as being decisively constrained by their limited means.

From the 1980s and onwards, the issue of poverty usually emerges in the films in the context of representations of the underclass. Underclass communities are depicted as being devastated by a variety of undesirable social phenomena, including deprivation, welfare dependence, illegitimacy, drug addiction and, above all, the pervasive presence of violent crime. The latter is mostly attributed to the ghetto residents' adherence to an extremely violent code of conduct. The films themselves put forward a condemnatory view on criminal offending, and emphasise that the criminogenic pressures of the underclass environment can be resisted through adequate socialisation and individual willpower. In certain cases, however, the choices of underclass citizens are presented as being constrained by their environment to such a degree that they find themselves drawn into the cycle of violence despite their initial desire to escape a criminal lifestyle.

vi.) The Increasing Participation of Racial Minorities and Women in Crime

The participation of racial minorities, particularly those of African descent, in "*street*" crime grows increasingly visible from the films of the 1970s and onwards, though a direct association between racial type and the adoption of criminal behaviour is never drawn. In the films of later decades, the issue of race is almost inextricably linked to that of the underclass. Underclass communities are depicted as being disproportionately populated by members of racial minorities and the involvement of the latter in crime is

explained by reference to the social pathology of the underclass: family instability, relative deprivation and the predominance of a violent culture. A reluctance to account for the criminal participation of racial minorities by reference to positive explanations is thus encountered, but this principally springs from the generally condemnatory perspective towards offending adopted in films focussing on the underclass.

Another trend detected in the films examined by this research is the minimisation of differences between the criminal behaviour of the two sexes. As time passes, female participation in crime is depicted with more regularity, though the majority of cinematic offenders remain male. Women are also portrayed as increasingly more willing to engage in violent and serious forms of offending behaviour. Nonetheless, it is worth noting that certain stereotypical views of female crime persistently rise to the surface, even in the 1990s. An -at least implicit- link is often drawn between a woman's participation in crime and her sexuality[1014]; and women are frequently depicted as being motivated towards committing a crime by reasons of a sentimental nature, such as their desire to regain custody of their child.

vii.) The Decline of Moral Inhibitions against Crime

It is time to re-examine the positive explanations of criminal behaviour that are put forward in the films studied. In the first place, the wider point needs to be made that, in relation to cinematic offenders, a substantial relaxation of moral inhibitions against the commission of criminal offences is progressively witnessed during the period covered by this thesis. This is rendered particularly transparent in the films of the 1990s; in certain instances, criminal offenders expressly justify their behaviour by reference to a morally relativist perspective on illegality. It is highly significant that the

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[1014] This link adopts various guises. In *Bonnie and Clyde*, Bonnie's participation in crime is partially conceptualised as an expression of her frustrated sexuality: see Ch. II, **e.)**. In *The Last Supper*, a female student is depicted as being sexually aroused by the murders she commits along with her friends: see Ch. V, **b.)**, **ii.)**. Additionally, women frequently exploit their sexual allure in the commission of a criminal offence, as in *To Die For*: see Ch. V, **e.)**.

pervasive presence of moral relativism is not portrayed in critical terms in these films: it is not presented as the symptom of social disorder[1015].

Generally, since the emergence of the counterculture, the values encapsulated in the criminal law are no longer presented as beyond dispute. Increasingly in the films, violating the criminal law is portrayed, at least in specific circumstances, as being the morally correct choice. It needs to be noted that this challenge to the legitimacy of the criminal justice system is tied by the filmmakers to an alternative, all-encompassing political critique mainly in the films of the 1960s. From then and onwards, with isolated exceptions, any questions about the propriety of criminal law regulations are depicted as deriving from the offenders' individual priorities, desires and values. Again, this is further evidence of a move towards an atomistic perspective on social affairs[1016].

viii.) The Increasingly Frequent Depiction of the Exciting and Glamorous Aspects of Criminal Behaviour

The excitement inherent in criminality is increasingly highlighted during the period examined by this study. The suggestion that criminals, in pursuing their illegal activities, earn the opportunity to partake in a sensually stimulating way of life, that is the envy of law-abiding citizens, is encountered in the films as early as the 1950s. Indeed, this formsthe main basis of the sexual attraction felt by conforming characters for deviant protagonists in the narratives. By the 1990s, criminal and non-criminal characters alike are depicted as being well aware of the exciting qualities of illegal acts. On certain occasions, it is even put forward that what differentiates the two is courage: law-abiding citizens are theorised as equally willing to violate the criminal law, yet afraid of the consequences that might follow.

The exciting attributes of a deviant way of life are principally the reason why criminal offenders of either sex are presented as romantic and

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[1015] A case can even be made that the filmmakers share in the gradual adoption of this relativist perspective by their characters, for, as has been seen, with the passage of time, positive explanations of criminal behaviour are more commonly put forward and emphasised.

[1016] See below, viii.).

glamorous figures. Again, as the years pass, such portrayals become increasingly regular and vivid. In certain films released during the 1990s, young offenders are depicted as embracing criminality, precisely because of their rose-tinted perception of seasoned offenders in their locality.

ix.) Wider Social Trends

It is time now to return to a wider question posed in the Introduction to this thesis. Judging by their representations of the causes of criminal behaviour, what do the films reveal about wider social attitudes towards crime? As has been seen, positive explanations of crime are portrayed with increasing regularity and emphasis as time passes; this can be called upon as evidence of a generally more lenient attitude towards lawbreaking in contemporary society. Yet two important qualifications need to be made. In the first place, in certain films of the 1990s that focus on the underclass, a reversion to an overtly condemnatory view of criminal behaviour is perceived. On these occasions, filmmakers display a reluctance to provide a positive interpretation of criminal activity or the motivations behind it. Instead, they emphasise a more negative perspective, focussing on the social pathology of these environments, as well as on the individual dysfunctions of their offending inhabitants. In communities where crime has developed into such a pervasive problem, an ambivalent attitude towards lawbreaking would strike a jarring note. Secondly, attention should be paid to the manner in which the behaviour of grossly disturbed, dangerous violent offenders is confronted in many films released during the 1990s. It may be that this type of behaviour is no longer denounced in the strongest terms. However, the films appear to agree with contemporary criminal justice arguments that the only means of adequately dealing with those displaying this type of behaviour is incarceration or even extermination. A fundamental paradox is detected: on the one hand, the films imply that nearly all of us are capable, in specific circumstances, of resorting to crime, as our moral inhibitions have decisively shifted. On the other hand, the films betray a reluctance to tolerate, let alone attempt to understand or justify, the conduct of serious criminal offenders. It can be put forward that contemporary, "law and order"

criminal justice policies, particularly the twin-track sentencing approach, are founded on the same paradoxical basis. The realisation that most of us could under certain circumstances commit a crime might have encouraged the cultivation of a more tolerant and broad-minded perspective towards those who transgress. On the contrary, policymakers seek to counter this apparent relaxation of moral inhibitions against crime by displaying an increasingly more rigid and unforgiving attitude towards the types of offenders considered as dangerous[1017].

Finally, by examining the concluding sections of each chapter of this thesis, a wider social and cultural trend is noted: an increasingly *atomistic* conception of society that has gradually led to a severe estrangement between individual citizens. Perhaps this is the research finding that bears the heaviest implications upon the manner in which we approach deviance and crime control. In a society where everyone is looking over his shoulder to check that the other's egotistical drives do not harm his own interests, and where, equally, everyone strives for his self-enhancement with few concerns over the welfare of others, effective methods of crime control are predictably harder to come by. As for deviance, and its causes, if it is so widespread, and everyone is considered as theoretically capable, at least in specific contingencies, of committing most types of crime, one can only wonder whether it can still be characterised as "deviance"[1018].

[1017] Yet even this distinction is sometimes challenged. In some of the films released during the 1990s, the morally relativist perspective ensures that even highly serious forms of criminal behaviour are not condemned; the dividing line between normality and severely disordered behaviour is demonstrated as being very thin.

[1018] An argument can be advanced that the dividing line between normalcy and deviance has moved upwards, to exclude from the former category only those engaging in seriously harmful criminal conduct. Indeed, this coincides with the abandonment of positivist attempts to explain petty offending: no longer viewed as abnormal, these minor forms of deviance cannot be regarded as amenable to positivist explanations. Conversely, the revisiting of positivist theories in contemporary efforts to account for serious forms of sexual offending is noted: see Chapter V, **c.)**. Following this line of argument, it would perhaps be more expedient to limit the study of deviance to these forms of offending that still incite generalised abhorrence. However, it is doubtful whether even this restricted conception of deviance can be sustained in the face of representations in contemporary films.

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Vagrancy Act 1824

Violence and Matrimonial Proceedings Act 1971

Violent Crime Control And Law Enforcement Act 1994 (U.S.)

Appendix: Films Viewed for the Purposes of this Study

(*The year and country of production of each film, as well as its director, are additionally specified*)

A Bout De Souffle (1960, France, J.L.Godard)

A Clockwork Orange (1971, U.S., S.Kubrick)

A Life Less Ordinary (1997, U.K., D.Boyle)

American Gigolo (1980, U.S., P.Schrader)

American Graffiti (1973, U.S., G.Lucas)

Angel (1984, U.S., R.V.O'Neill)

Backbeat (1993, U.K., I.Softley)

Basketball Diaries (1995, U.S., S.Kalvert)

Betty Blue (1986, Fr., J.J.Beineix)

Blackboard Jungle (U.S., 1955, R.Brooks)

Blue Juice (1995, U.K., C.Prechezer)

Bonnie And Clyde (1967, U.S., A. Penn)

Boyz N The Hood (1991, U.S., J.Singleton)

Breathless (1983, U.S., J.McBride)

Bright Lights, Big City (1988, U.S., J.Bridges)

Brimstone And Treacle (1982, G.B., R.Loncraine)

Butterfly Kiss (1995, G.B., M.Winterbottom)

Cast A Dark Shadow (1955, G.B., L.Gilbert)

Christiane F: Wir Kinder Vom Bahnhof Zoo (1981, West Germany, U.Edel)

Class Of 1984 (1982, U.S., M.L.Lester)

Colors (1988, U.S., D.Hopper)

Cruising (1980, U.S., W.Friedkin)

Cry-Baby (1990, U.S., J.Waters)

Dangerous Minds (1995, U.S., J.N.Smith)

Dazed And Confused (1993, U.S., R. Linklater)

Dead Presidents (1995, U.S., A. and A.Hughes).

Death Wish (1974, U.S., M.Winner)

Death Wish II (1982, U.S., M.Winner)

Dirty Harry (1971, U.S., D.Siegel)

Do The Right Thing (1989, U.S., S.Lee)

Dog Day Afternoon (1975, U.S., S.Lumet)

Drugstore Cowboy (1989, U.S., G.Van Sant)

East Of Eden (1955, U.S., Elia Kazan)

Easy Rider (1969, U.S., D.Hopper)

Family Business (1989, U.S., S.Lumet)

First Name: Carmen (1983, France/Switzerland, J.L. Godard)

Footloose (1984, U.S., H.Ross)

Fresh (1994, U.S., B.Yakin)

Friday (1995, U.S., F.Gary Gray)

Friday The 13th Part II (1981, U.S., S.Miner)

Goodbye Pork Pie (1981, New Zealand, G.Murphy)

Goodfellas (1990, U.S., M.Scorcese)

Grease (1978, U.S., R. Kleiser)

Grosse Pointe Blank (1997, U.S., G.Armitage)

Halloween I (1978, U.S., J.Carpenter)

Halloween II (1981, U.S., R.Rosenthal)

Heathers (1989, U.S., M.Lehmann)

Heavenly Creatures (1994, New Zealand, P.Jackson)

I Know What You Did Last Summer (1997, U.S., J.Gillespie)

I Love You To Death (1990, U.S., L.Kasdan)

I Shot Andy Warhol (1996, U.S., M.Harron)

If... (1968, G.B., L.Anderson)

In The Name Of The Father (1993, Eire/U.K./U.S., J.Sheridan)

Jailhouse Rock (1957, U.S., R.Thorpe)

Jason's Lyric (1994, U.S., D.McHenry)

Juice (1992, U.S., E.R.Dickerson)

Kids (1995, U.S., L.Clark)

Killing Zoe (1994, U.S., R.Avary)

King Creole (1958, U.S., M.Curtiz)

La Haine (1996, France, M.Kassovitz)

La Luna (1979, Italy, B.Bertolucci)

Last Exit To Brooklyn (1989, West Germany, U.Edel)

Last Tango In Paris (1972, Italy, B.Bertolucci)

Leolo (1992, Canada, J.C.Lauzon)

Les Amants Du Pont Neuf (1991, France, L.Carax)

Let Him Have It (1991, U.K., P.Medak)

London Kills Me (1991, U.K., H.Kureishi)

Loot (1970, G.B., S.Narizzano)

Masquerade (1988, U.S., B.Swaim)

Menace II Society (1993, U.S., A. and A.Hughes)

Midnight Cowboy (1969, U.S., J.Schlesinger)

Mona Lisa (1986, G.B., N.Jordan)

My Beautiful Launderette (1985, G.B., S. Frears)

My Own Private Idaho (1991, U.S., G.Van Sant)

National Lampoon's Animal House (1978, U.S., J.Landis)

Natural Born Killers (1994, U.S., O.Stone)

New Jack City (1991, U.S., M.Van Peebles)

Nikita (1990, France/Italy, L.Besson)

One False Move (1992, U.S., C.Franklin)

On The Waterfront (1954, U.S., E.Kazan)

Ordinary People (1980, U.S., R.Redford)

Palookaville (1996, U.S., A.Taylor)

Passport To Shame (1957, G.B., A.Rakoff)

Performance (1970, G.B. D.Cammell/N.Roeg)

Pickpocket (1959, France, R.Bresson)

Play Misty for Me (1971, U.S., C.Eastwood)

Point Break (1991, U.S., K.Bigelow)

Police Academy (1984, U.S., H.Wilson)

Police Academy 2: Their First Assignment (1985, U.S., J.Paris)

Poor Cow (1967, G.B., K.Loach)

Primal Fear (1996, U.S., G.Hoblit)

Pulp Fiction (1994, U.S., Q.Tarantino)

Purple Rain (1984, U.S., A.Magnoli)

Rebel Without A Cause (1955, U.S., N.Ray)

Risky Business (1983, U.S., P.Brickman)

River's Edge, (1986, U.S., T.Hunter)

Rude Boy (1980, G.B., J.Hazan/D.Mingay)

Rush (1991, U.S., L.Zanuck)

Saturday Night Fever (1977, U.S., J.Badham)

Scream (1996, U.S., W.Craven)

Scrubbers (1982, G.B., M.Zetterling)

Scum (1979, G.B., A.Clarke)

Set It Off (1996, U.S., F.Gary Gray)

Shallow Grave (1994, U.K., D.Boyle)

Shooting Fish (1997, U.K., S.Schwartz)

Sid and Nancy (A.Cox, U.S., 1986)

Single White Female (1992, U.S., B.Schroeder)

Sleepers (1996, U.S., B.Levinson)

Small Faces (1995, U.K., G.McKinnon)

Somebody Up There Likes Me (1956, U.S., R.Wise)

Something Wild (1986, U.S., J.Demme)

Subway (L.Besson, France, 1985)

Sugarland Express (1974, U.S., S.Spielberg)

Taxi Driver (1976, U.S., M.Scorcese)

The 400 Blows (1959, France, F.Truffaut)

The Breakfast Club (1985, U.S., J.Hughes)

The Chase (1994, U.S., A.Rifkin)

The Collector (1965, U.S., W.Wyler)

The Crush (1993, U.S., A. Shapiro)

The Delicate Delinquent (1956, U.S., D.McGuire)

The Enforcer (1976, U.S., J.Fargo)

The Falcon and The Snowman (1985, U.S., J.Schlesinger)

The Godfather (1972, U.S., F.F.Coppola)

The Godfather Part III (1990, U.S., F.F.Coppola)

The Great Rock and Roll Swindle (1979, G.B., J.Temple)

The Grifters (1990, U.S., S.Frears)

The Krays (1990, U.K., P.Medak)

The Last Supper (1996, U.S. S.Title)

The Loneliness Of The Long Distance Runner (1962, G.B., T.Richardson)

The Sleeping Tiger (1954, G.B., J.Losey)

The Wild One (1954, U.S., L.Benedek)

The Young Stranger (1957, U.S., J.Frankenheimer)

These Dangerous Years (1957, G.B., H.Wilcox)

Thunderbolt and Lightfoot (1974, U.S., M.Cimino)

Tie Me Up! Tie Me Down (1989, Spain, P.Almodovar)

To Die For (1995, U.S., G.Van Sant)

To Sir With Love (1966, G.B., J.Clavell)

trainspotting (1996, U.K., D. Boyle)

True Romance (1993, U.S., T.Scott)

Twin Peaks: Fire Walk with Me (1992, U.S., D.Lynch)

Twin Town (1996, U.K./Ireland, K.Allen)

Vigilante (1983, U.S., W.Lustig)

Wall Street (1987, U.S., O.Stone)

West Side Story (1962, U.S., R.Wise/ J.Robbins)

Who Dares Wins (1982, G.B., I.Sharp)

Wild At Heart (1990, U.S., D.Lynch)

Wild In The Country (1961, U.S., P. Dunne)

William Shakespeare's Romeo and Juliet (1996, U.S., B.Luhrmann)

Wish You Were Here (1987, G.B., D.Leland)

Withnail and I (1987, G.B., B.Robinson)

Films Not Viewed Due to Lack of Availability:

Aloha Bobby and Rose (1975, U.S., F.Mutrux)

Baby Love (1968, G.B., A.Reid)

Breakdance 2: Electric Boogaloo (1984, U.S., S.Firstenberg)

Cry Baby Killer (1958, U.S., J.Addiss)

Death Weekend (1976, Canada, W.Fruet)

Dragstrip Girl (1957, U.S., E.L.Cahn)

For Queen And Country (1988, G.B./U.S., M.Stellman)

Happy Birthday To Me (1980, Can., J.Lee-Thompson)

Helter Skelter (1976, U.S., T.Gries)

Lady Sings The Blues (1972, U.S., S.J.Furie)

Last Summer (1969, U.S., F.Perry)

Lipstick (1976, U.S., L.Johnson)

Looking For Mr Goodbar (1977, U.S., R.Brooks)

My Teenage Daughter (1956, G.B., H.Wilcox)

Operation Undercover (1974, U.S., M.Kotselas)

Serious Charge (1959, G.B., T.Young)

Some People (1962, G.B., C.Donner)

Taking Off (1971, U.S., M.Forman)

The Fourth Man (1983, Netherlands, P.Verhoeven)

The Happy Hooker (1975, U.S., N.Sgarro)

The Organization (1971, U.S., D.Medford)

Trackdown (1976, U.S., R.T.Heffron)

Twisted Nerve (1968, G.B., R.Boulting)

Weak And The Wicked (1953, G.B., J.Lee-Thompson)

Willard (1971, U.S., D.Mann)